

06.01.2026
Sl. No. 33
g.b.
Court No.10
266313

W.P.A. 28958 of 2025

Rajiv Sen
-Vs-
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta
.....For the Petitioner
Mr. Sailendranath Chakraborty
Mr. Razzak Hosain
....For the State

The petitioner is an intending operator for the route no. 221 (Bus) (Nagar Bazar to Golpark). The petitioner submitted a representation on 17.03.2025 for acceptance of their application along with the fees for plying vehicle on the route in question. The petitioner submits that since representation was not considered, the petitioner approached this court by filing a writ petition being WPA No.11540 of 2024.

Pursuant to the court's order dated 10.06.2025 passed by the Coordinate Bench of this court in WPA 11540 of 2024 the Regional Transport Authority, Kolkata took a decision and

passed a resolution on 30th June, 2025 being agenda no. 9(v) which is reproduced below:

“The RTA Board thoroughly discussed the matter and it reveals that no vacancy declared till date in that route S-168 & 221 respectively. However, in compliance of order of Hon’ble High Court, Calcutta dt. 10.06.2025, RTA Board decided to allow the petitioner to submit application with requisite fees as per Notification vide no.1183-WT dt. 30.03.2012 and to be disposed thereof.”

The petitioner further made a representation before the authority concerned on 01.08.2025 with regard to the declaration of vacancies in the website and/or by issuing notice by notifying new application for stage carriage permits on the notified route 221 (Bus) (Nagar Bazar to Golpark).

The main grievance of the petitioner is for non-consideration of the application for the declaration of the vacancies in respect of the route no.221.

The State respondent is unable to satisfy this court with regard to the declaration of the vacancies of the said route in question as the

learned counsel has not been properly instructed by the department.

Having heard the parties on the basis of the records available, I am of the concerned view that declaration of vacancies is a procedure to be adopted by the department as per Section 86 of the Motor Vehicles Act, 1988. Unless and until the vacancies are declared, such application by the intending operators cannot be entertained. Keeping in view of the present status of the case, I direct the Regional Transport Authority, Kolkata Region being the respondent no.2 to expedite the issue of the declaration of the vacancies by adopting the proper procedure, as prescribed in the statute.

The respondent no.2 is directed to calculate the number of vacancies on the said route as on date and shall notify the same by publishing advertisement within a month from date of the receipt of the copy of this order.

The writ petition stands disposed of without taking an exception to the merits of the case.

(*Smita Das De, J.*)