

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.11.2025

Sl. No. 24
Ct. no.10
b.r.

WPA 19427 OF 2025

Bapan Malik
VS.
The State of West Bengal & Ors.

Mr. Kanishk Sinha
Ms. Lipika Das
Mr. Dipankar Roy
.....for the petitioner.

Mr. Pantu Deb Roy, Ld. AGP
Mr. Jaladhi Das.
..... for the State.

1. Affidavit-of-service, filed by the learned Counsel for the petitioner in Court today, is taken on record.
2. Mr. Sanat Kumar Roy, learned counsel appears for the petitioner.
3. Mr. Pantu Deb Roy, learned Additional Government Pleader appears for the respondents/State.
4. Heard the parties at length through their respective counsels.
5. The main grievance of the petitioner is with regard to the order dated 29.4.2025 passed by the respondent no.3 rejecting, inter alia, the grant of autorickshaw

permit on the Route No.126 in the light of the notification dated 29.1.2010.

6. The petitioner applied for a new autorickshaw permit for the Route No.126 (Uttarpara Rly. Station Makhla Side to Dankuni) which was decided by the respondent no.3, Regional Transport Authority, Hooghly in its Board Meeting dated 08.10.2020. The said application was accordingly rejected by the authority concerned in the light of Clauses 5 and 6 of Notification No.268- WT/3M-01/2010 dated 29.1.2010 of the Transport Department, Government of West Bengal.

7. The respondent no.3 rejected the application on the ground that there is an overlapping with the bus route No.225, therefore there are no vacant places for parking of vehicles at both the terminal points of the proposed route namely, Uttarpara Railway Station area and Dankuni since both are highly congested. No new permits can be issued due to extreme congestion and non-availability of parking places.

8. The petitioner further submits that on two occasions representations were made but not considered despite there being orders dated 6.12.22. and 17.12.2024 of the Co-ordinate Bench of this Court. Finally the decision of the Regional Transport

Authorities communicated to the petitioner on 29.04.2025 as per the meeting held on 24.02.2025.

9. The petitioner submitted that already an enquiry was made on 10.12.2021 by the respondent no.3 which is reproduced as below :

Distance of route	Whether on any NH/SH, if yes mention the distance	Whether overlapping with any bus route, if yes, mention the distance	Availability of parking space at both the terminating points & congestion
7.00 km (approx).	No, only crossing in two points.	Totally overlapped with Mini Bus Route No.225, presently no mini bus is plying on that route but permits of a good nos. of mini buses are still valid and also the route has not been de-notified.	Parking space at both the terminating points are congested which contravenes the Notification No.268-WT/3M01/2010 dated 29.01.2010 of Transport Department, Govt. of West Bengal.

10. The petitioner submits that since there is an admission in the enquiry report, the authority concerned ought to have issued new permit when the buses are not plying in the Route No.225.

11. The petitioner also draws the attention of the Court by placing the order dated 06.5.2022 passed by the Chairman, Regional Transport Authority, Hooghly being Annexure-P10 to the instant writ petition and the same is reproduced below :

“Therefore, considering the above facts and circumstances, I, the Chairman, RTA, Hooghly, decided to issue notice to the operators having valid permit of the bus route no.225, with a direction either, to resume the service for

the interest of the public, or surrender the permit.

If the existing bus operators are unwilling to resume the service, the permits will be suspended/cancelled after giving an opportunity of hearing in terms of section 86 of MV Act and Rule and Notification made thereunder.

Depending on the above, the matter will be placed before the RTA for next course of action. Secretary, RTA was directed to act accordingly.”

12. Learned counsel for the petitioner further submits that the Route No.126, the new autorickshaw route is allegedly overlapping with Minibus Route No.225 from where the buses are not plying at all.

13. Mr. Amal Kumar Sen, learned Additional Advocate General submits that he intends to seek instruction with regard to the outcome of the order dated 06.5.2022.

14. After hearing the rival contentions of the parties and perusing the materials available on record I direct the Secretary, Regional Transport Authority, Hooghly to file a comprehensive detailed report within a period of four weeks from date as to what steps have been taken by the Secretary, RTA as directed by the Chairman, Regional Transport Authority, Hooghly vide order dated 06.5.2022 and also to ascertain the present status of the Route No.225 specifically with regard to the congestion of both the terminal points.

15. For all practical purposes the Chairman, Regional Transport Authority shall also give some suggestions

or his valuable opinion to resolve the issue after completion of the entire exercise as contemplated under Section 86 of the Motor Vehicles Act, 1988. Presupposedly, if it is found that the existing bus operators having valid permits are unwilling to resume the service and decides to surrender then in that event, to bridge the gap of the vacancy, whether the autorickshaws can be infused and be allowed to have valid permit to ply on the route in question.

16. The notification is also totally silent as to the fate of those bus operators who wishes not to ply on the route despite having valid permit.

17. The respondents shall serve a copy of the report upon the petitioner in advance.

18. Exception, if any thereto, be filed within two weeks thereafter. 5

19. The matter to appear on December 18, 2025.

(Smita Das De, J.)