

26.3.2025

Ct.25,sl.36.
Sk

**WPA 5937 of 2025
(CAN 1 of 2025)**

215,215/1 Route Bus Owners Welfare Association

-vs-

State of West Bengal & Ors.

Mr.Sattwik Bhattacharyya
Mr. Aashutosh Bhattacharyya
Mr. Titas Niyogi
Mr. Aritra Roy
...for the petitioner

Mr. Amal Kr. Sen,Ld. AGP
Ms. Ashima Das(Sil)
...for the State

Mr. Bhaskar Nandi
...for the added respondent.

In connection with the present writ petition CAN 1 of 2025 has been filed by the intending interveners, who claim themselves to be the necessary party in the case and want to be added as respondents.

The applicants are the permanent stage carriage permit holders in the compound route No. 219 and 219/1.

Mr. Bhattacharyya, learned advocate for the writ petitioner is present.

The petitioner is aggrieved with respect to the resolution of the Board, Regional Transport Authority, Kolkata Region dated February 12, 2025, subsequently confirmed on February 27, 2025, regarding change of route alignment of route No. 219/1 in connection with agenda 13(ix) of the said meeting. Hence, being the existing operators, the intending intervenors appear to be the necessary party in the present case.

Therefore, it is ordered that CAN 1 of 2025 be allowed.

Let the applicants therein be added as party respondents in the present writ petition. The cause title of the writ petition be modified accordingly.

According to Mr. Bhattacharyya, the original route No. 219 has been modified to introduce route No. 219/1. The said decision of the respondent authority has been further modified in a resolution dated August 29, 2024 and later on in resolution dated February 12, 2025.

According to the writ petitioner, such change by the authority of the route alignment amounts to review of the decision itself by the said quasi judicial authority, which they are not authorized to do under the law. By referring to the relevant provisions of the statute, Mr. Bhattacharyya has mentioned that the statute itself though provides for an appeal and revision, however, there is no provision made under the statute, as regards review of an earlier decision.

In this regard he has referred to a decision of the Hon'ble Supreme Court reported in AIR 1987 SC 2186(Dr. Smt. Kuntesh Gupta-vs-Management of Hindu Kanya Mahavidyalaya, Sitapur(U.P.) & Ors.).

Hence, according to the writ petitioner, the impugned resolution of the Board dated February 12,

2025 is a nullity and illegal exercise by the said Board and is liable to be set aside.

It is found necessary that the State should come up with a report as regards the allegations and the contentions of the writ petitioner in the present case. Let the report be filed on the next date.

Let this matter be adjourned today and listed again on 21.4.2025.

(Rai Chattopadhyay, J.)