

31-03-2026  
ct no. 10  
Sl. 2  
RP

**WPA 8974 of 2025**  
Md. Islam Ansari  
-Versus-  
State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee,  
Mr. Sk. Samim Akhter

...for the petitioner

Mr. Pantu Deb Roy,  
Mr. Subrata Guha Biswas

...for the State

1. The petitioner is the owner of an auto-rickshaw holding Permit No. PCOPA935 A/R Registration Mark of Vehicle- WB11B4964 registered on 16<sup>th</sup> June, 2010, with Chasis No. MD6M14LK1A4D04791, Engine No. OK4DA1008768, covering the Rural areas of Howrah District Except, Howrah and Bally Municipal Areas valid from 27.08.2023 to 26.08.2023.
2. The petitioner submits that he has been operating the vehicle on the route from Howrah Maidan to Salkia for more than 20 years.
3. The petitioner submitted a request on 18.01.2023 to have the route details incorporated in his permit, but the same remains pending for consideration.
4. In the instant case, the petitioner prays inter alia, for the regularization of the operation of auto-

rickshaws running without authorization within the jurisdiction of the Howrah commissionerate, has not been considered by the concerned authority.

5. The petitioner obtained information under the Right to Information Act on 13.01.2025 from which it appears that a route wise detail survey has been conducted regarding the regularization of auto-rickshaws on the basis of "Actual plying".
6. The learned Counsel appearing for the State respondent submits that the petitioner is operating the vehicle illegally on the said route instead of the route specified in the permit.
7. Although the fleet strength has been enhanced by notification dated 29.02.2024 at present no vacancies have arisen to be filled.
8. The learned Counsel for the State respondent submits that there exists no vacancy to be filled.
9. The petitioner relies on the said notification and submits that despite the enhancement of fleet strength on existing routes as notified vide no. 1111WT dated 21.03.2023, the Transport Department has already decided that auto-rickshaws operating unauthorisedly and continuously since 31.03.2019 within the present jurisdiction of Howrah Police Commissionerate under the extended jurisdiction of RTA, Kolkata

shall be given an opportunity to avail of the 'one time regularization' process subject to the prescribed permit limits and the terms and conditions mentioned in the notification no. 3944-WT/3M-01/2010(pt-II) dated 14.08.2018.

10. After careful consideration, I direct the respondent no. 2 to consider the representation dated 18.01.2023 in light of the notification dated 29.02.2024 within a period of 10 weeks. The authority shall pass a reasoned order in accordance with law, upon affording an opportunity of hearing to the petitioner and other stake holders if any, and communicate such decision within a week thereafter.
11. However, it is made clear that in the course of the hearing if any vacancy has been created or remains unfilled, the Transport Department shall take the necessary steps in accordance with law to fill any vacancy arising after the enhancement of the fleet strength on the route in question.
12. The writ petition being WPA 8974 of 2025 is disposed of without going into the merits of the case.

**(Smita Das De, J.)**