

07
9.4.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 4320 of 2026

**Swapan Kumar Dutta
-versus
State of West Bengal & Ors.**

**Mr. N. I. Khan.
Mr. Amlan Kumar Mukherjee.
Mr. Dilip Kr. Mandal.
Mr. Chiranjib Das.
...For the petitioner.**

**Mr. N. C. Bihani.
Mr. Soumyajit Ghosh.
... For the S.D.D.M.**

**Mr. Amal Kumar Sen. Ld. A.A.G.
Ms. A. Das. (Sil)
... For the State.**

1. The petitioner in the instant case challenges inter alia, the action of the respondent authorities in not formulating a new auto rickshaw route from Ramkrishna Mahaswashan Ghat to Dum Dum Station.
2. The petitioner submits that pursuant to the order of this Court dated 18.11.2025 in WPA 2951 of 2025 the petitioner has already made a representation on 3rd December, 2025 identifying and providing an alternative space for parking of the concerned auto rickshaw

route but till date the same remains unconsidered.

3. Learned counsel appearing for the South Dum Dum Municipality submits that the route in question does not fall within the jurisdiction of the South Dum Dum Municipality and files an instruction dated 27.2.2026 in the concerned Department, which is kept on record.
4. Mr. Amal Kumar Sen, Learned A.A.G. appearing for the State respondent vehemently opposes the contention of the petitioner and submits that as per Rule 182 of the West Bengal Motor Vehicles Rules, 1989, the District Magistrate or the Commissioner of Police (Kolkata) are the competent persons for taking decisions regarding parking and halting spaces.
5. Rule 182 (1) (i) and (ii) of the West Bengal Motor Vehicles Rules, 1989, is reproduced below:

“ **(1)** The District Magistrate or the Commissioner of police, (Kolkata), as the case may be, by notification in the Official Gazette or by the erection of traffic signs which are permitted for the purpose under sub-section (1) of section 16 of the Act, or both, may, in respect of the taking up or setting down of passengers or both by public service vehicles or by any specified class of public service vehicles,-
(i) Conditionally or unconditionally prohibit the use of any specified place or any place of a specified nature or class, or

(ii) Required that within the limits of any municipality, notified area or cantonment or within such other limits as may be specified in the notification certain specified stands or halting places only shall be so used: Provided that no place which is privately owned shall be so notified except with the previous consent in writing of the owner thereof.”

6. The State submits that already proposal for the formulation of a new route has already been considered and rejected by the Regional Transport Authority, Kolkata on two occasions on the ground of traffic congestion along with overlapping with the proposed route.
7. Since the areas in and around Dum Dum Station are over saturated with multiple auto stands and commercial activities, it becomes extremely difficult to permit the operation of any new auto rickshaw route in that area.
8. The petitioner submits that despite identifying an alternative space, the concerned authorities failed to take any decision with regard to the route in question.
9. In conspectus of the foregoing, I find that despite there being a specific direction to respondent no. 4 to act in terms of the order dated 18.11.2025, the respondent has failed to adopt a logical stand with regard to the parking of the vehicles for the route in question without

approaching the Chairman of the Regional Transport Authority.

10. In view of the above, it is observed that the letter dated 19.1.2026 from the Secretary, Regional Transport Authority pertaining to the notice of contempt dated 8.1.2026, lacks legal relevance and is nonest in the eye of law.

11. Having heard the parties and upon perusing the available record, I direct petitioner to file a fresh comprehensive detailed representation before the Regional Transport Authority, Kolkata and the authority shall consider the same by obtaining an opinion from the Deputy Commissioner of Police (Traffic), Kolkata, Lal Bazar and Word No. 1, KMC within a period of sixty days and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and the other stake holders, if any, and communicate such decision within a week thereafter.

12. However, it is made clear that the authority concerned shall decide the issue logically in light of Rule 182 of the West Bengal Motor Vehicles Rules, 1989.

13. The writ petition stands disposed of accordingly without taking any exception to the merits of the case.

14. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)