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24.02.2021.
d.p.

**W.P.A 5462 of 2021
(Via Video Conference)**

**Domkal Thana Ferry Patuni Samabay
Samity Limited
-versus
The State of West Bengal & Ors.**

**Mr. Kamalesh Bhattacharyay,
Mr. Shahan Shah.
...For the Petitioner.**

**Mr. Sushovan Sengupta,
Mr. Manas Kumar Sadhu.
...For the State.**

**Mr. Md. Sarwar Jahan,
Ms. Mausumi Mitra,
Mr. M. Rahaman.
...For the Respondent
Nos. 4 and 5.**

The petitioner is aggrieved by the memo no. 101 dated 19th February, 2021 issued by the Executive Officer, Domkal Panchayat Samity whereby the lease agreement of the Ferry Ghats under Domkal Block has been cancelled. By the said memo the petitioner has been restrained from earning fees from the Ferry Ghats and has been directed not to cause any damage of the existing infrastructure of the Ferry Ghats until further order.

In the said memo, it has been mentioned that the same was issued in compliance with the solemn order of the Hon'ble High Court, Calcutta dated 8th February, 2021 passed in WPA 5442 of 2020.

By the aforesaid order dated 8th February, 2021, the Court disposed of the said writ petition on the submission made on behalf of the Panchayat Samity that they intended to withdraw the notification as well as the subsequent settlement issued pursuant thereto and initiate fresh proceeding for conducting a public auction in accordance with law.

The learned advocate appearing for the Executive Officer of the Panchayat Samity i.e. the Block Development Officer submits, upon instructions, that steps are being taken for conducting a fresh auction of the Ferry Ghats.

The learned advocate appearing for the Domkal Panchayat Samity submits, upon instruction, that resolution has been taken by the Artha Sangstha Unnayan O Parikalpana Stayee Samity in its meeting held on 18th February, 2021 whereby decision has been taken for auctioning all the 19 Ferry Ghats.

The learned advocate appearing for the petitioner submits that as there is no specific order of the Court for cancellation of the existing lease agreement, the impugned memo by which the Executive Officer cancelled the extension of the lease agreement of the Ferry Ghats, cannot stand.

The petitioner challenges the authority of the Executive Officer of the Panchayat Samity to issue the impugned memo dated 19th February, 2021.

The submission of the petitioner cannot be accepted by the Court.

It appears from records that the petitioner was permitted to continue with the running of the Ferry Ghats subject to payment of a sum of Rs.6,00,000/- (Rupees Six Lakh only) in terms of an order passed by the Hon'ble Appeal Court on 14th October, 2020 in FMA 919 of 2020 (MAT 652 of 2020). The appeal and the writ petition stood disposed of and the interim order passed therein stood vacated. The petitioner lost right to continue with the running of the Ferry Ghats the moment the interim order passed in the pending writ petition was vacated.

It has already been submitted by the learned advocate for the Panchayat Samity and the Executive Officer of the Panchayat Samity that steps are being taken for publication of notification for auction of the Ferry Ghats.

The same implies that the earlier notification, which was under challenge in the previous writ petition being notification dated 1st June, 2020, automatically loses its force.

The respondent authorities will be entitled to proceed in accordance with law for publication of fresh notification for auction of the Ferry Ghats.

The resolution dated 18th February, 2021 adopted by the Domkal Panchayat Samity is retained with the records.

The instant writ petition stands dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)