

26.07.2021
Sl. No.4
srm

W.P.A. No. 5681 of 2021
Sri Tarun Roy & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Ashoke Kumar Banerjee,
Mr. Amitabha Ghosh,
Mr. Sk. Sejauddin
...for the Petitioners.

Mr. Sudipto Moitra,
Mr. Samiran Mandal,
Mr. Abhinaba Dan
...for the Respondent No.10.

Mr. Triptimoy Talukder,
Mr. Sayuj Kumar Banerjee
...for the Konnagar Municipality.

Mr. Sirsanya Bandyopadhyay,
Mr. Arka Kumra Nag
...for the State.

Mr. Niladri Bhattacharjee,
Mr. Soham Bandyopadhyay,
Mr. Aditya Chaturvedi
...for the Corporation.

Affidavit-of-service is taken on record.

The writ petition has been filed alleging illegal and unauthorised issue of licence in favour of the respondent No.10 to operate ferry services between Panihati and Konnagar, by the West Bengal Surface Transport Corporation (in short Corporation).

Mr. Banerjee, learned Senior Advocate appearing on behalf of the petitioners, submits that his clients are the employees of the respondent No.10. It is his submission that the agreement between the respondent No.10 and the

Corporation is not in existence by virtue of subsequent licencing agreement, entered between the Corporation and the Konnagar Municipality. According to Mr. Banerjee, the subsequent agreement between the Corporation and the Konnagar Municipality with regard to operation of the ferry service, amounts to automatic cancellation and revocation of the earlier licence between the Corporation and the respondent No.10. He submits that the petitioners are running a risk of losing their jobs as the respondent No.10 is functioning illegally.

Mr. Talukder, learned Advocate appearing on behalf of the Konnagar Municipality, submits that, although there is a licence to operate the ferry service between the Corporation and the Konnagar Municipality, the same has not been acted upon, due to the pendency of a writ petition initiated by the respondent No.10.

Mr. Moitra, learned Senior Advocate appearing on behalf of the respondent No.10, submits that the agreement to operate the ferry service between the Corporation and respondent No.10 is valid up to August, 2022. Thus, when the Konnagar Municipality tried to interfere with the ferry services, a writ petition was filed by the respondent No.10. During the pendency of the writ petition a contempt proceeding was taken out and the Municipality undertook not

to disturb the operation of the ferry services by the respondent No.10. It appears that WPA No.3187 of 2015, which was filed by the respondent No.10, is still pending.

Learned Advocate for the Corporation submits that on the selfsame cause of action, a writ petition is pending and the disputes raised by the petitioners cannot be resolved in this writ petition.

Mr. Bandyopadhyay, learned Junior Standing Counsel appearing on behalf of the State-respondents also submits that the issues raised in the writ petition cannot be decided here. Pendency of WPA No.3187 of 2015 and the order dated February 19, 2021 passed in WPCRC 137 of 2017 will operate as a bar. It is also submitted by Mr. Bandyopadhyay that the District Magistrate was directed by this Court in WPA No.3187 of 2015, to supervise the operation of the ferry services through any of his subordinate officers and ensure that the respondent No.10 operates the same.

Further, all the parties have questioned the locus of the petitioners.

Having heard the learned Advocates for the respective parties, I find that main contention of the writ petitioners is that the respondent No.10 did not have any authority or right to continue the ferry services as the Corporation had granted the licence to operate, to the municipality. Such facts have not

been properly disclosed before the learned Court in WPA No.3187 of 2015, according to Mr. Banerjee. However, it appears from the order of a co-ordinate Bench that the District Magistrate was directed to ensure through his officers in the administration including the police, that the respondent No.10 would be able to run the ferry services in question. It is also Mr. Talukder's case that due to the pendency of the earlier writ petition and the orders passed therein, the Konnagar Municipality has stayed their hands in respect of the ferry services. The municipality does not dispute that the respondent No.10 is operating the ferry services.

In view of the orders passed in WPA 3187 of 2015 and in WPCRC 137 of 2017, this Court cannot decide the issues raised by the petitioners. If the petitioners are so advised, they may approach the Court, by filing an appropriate application in connection with WPA No.3187 of 2015, which shall be considered in accordance with law.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)