

W.P.A. 4272 of 2019

(Via Video Conference)

Satui Chowrigachha Fishermen's Co-operative Society Ltd.
Vs.
State of W.B. & Ors.

Mr. Arindam Das
Ms. Rumeli Sarkar ...for the petitioner.

Mr. T. M. Siddiqui
Mr. Ziaul Islam
Mr. Abdus Salam ...for the State.

The petitioner's grievance is that he was granted lease in respect of a waterbody "Beel Hasina", lying within Berhampore Development Block in the District of Murshidabad, pertaining to Dag Nos. 61, 154,195, 227 & 302 for a period of 1420 BS to 1421 BS and the rent/Jalkar was fixed at Rs.29,000/- and the same was subjected to increase @ 5% annually.

The petitioner complains that the respondents issued a fresh notice of lease in respect of the said waterbody wherein the base price was fixed at Rs.260109/- which is arbitrary and exorbitant for which the petitioner and other intended lessees are not able to participate in the process.

The petitioner also submits that such base rent has been fixed in violation of Rule 272 (ii)(b) under Chapter

XVII of the West Bengal Land and Land Reforms Manual, 1991.

The State files a report in Court, which is taken on record.

Learned counsel appearing on behalf of the State submits that the tender notice dated 13.02.2019 which has been challenged by the petitioner, has been issued upon observation of all formalities including Rule 272 upon calculation/assessment of economic lease rent.

The petitioner not having challenged the amended rule in the writ petition, he is not entitled to challenge the calculation of the base price fixed by the authorities.

It appears from the documents filed on behalf of the State authorities that the economic lease rent/reserve price was calculated/assessed by the respondents at Rs.260109/- and there is nothing on record to show that such assessment was done in contravention to Rule 272.

Admittedly, the relevant Rule is not under challenge in this writ petition.

The petitioner's case is that as the earlier lease rent was fixed at Rs.29,000/- subject to enhancement of 5 % per annum, the authorities could not have assessed such rent for the term 1425 BS to 1427 BS at such exorbitant rate.

But I am afraid issuance of fresh lease has been initiated by the respondents and a

calculation/assessment has also been submitted by them along with the report.

The petitioner is not entitled to challenge the basis of such calculation/assessment as the same has been done in terms of Rule 272 which authorizes a committee consisting of the Collector of the District and certain other persons to deal with the settlement of fisheries.

The writ petition is debarred of any merit and the petitioner is not entitled to any relief herein.

WPA 4272 of 2019 is dismissed. There shall be no order as to costs.

As affidavits have not been invited, the allegations made in this writ petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)