

Item No.38

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

13.04.2021
Ct-24

W.P.A.7386 of 2021
Kaizar Ahmed
v
State of West Bengal & Ors.

Md. Shamim Halder
... for the petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
... for the State.

Mr. Amitava Chaudhury
Ms. M. Chaudhuri
Mr. N. Roy
... for the Zilla Parishad.

The matter relates to the auction of Tehatta Chakbehari Ferry Ghat. A notice was published by the Nadia Zilla Parishad for auction of the ferry ghat on February 24, 2021. The petitioner intended to participate in the auction. The same stood temporarily cancelled in view of the declaration of the West Bengal Legislative Assembly Election, 2021 and enforcement of the Model Code of Conduct thereof.

The petitioner made a representation on March 4, 2021 and prayed for settlement of the ferry ghat in his favour.

The petitioner is presently aggrieved by the action of the Nadia Zilla Parishad by which the ferry ghat has been temporarily settled in favour of the private respondent.

The learned advocate appearing on behalf of the Nadia Zilla Parishad submits, upon instruction, that the private respondent was the existing lessee of the ferry ghat and the lease was subsisting till 15th March, 2021. As the auction which was supposed to be held stood temporarily cancelled in view of the West Bengal Legislative Assembly Election, 2021, accordingly, permission was granted to the existing lessee to continue for a period of two months only. The private respondent has been permitted to operate the ferry ghat till May 15, 2021.

The learned advocate appearing for the private respondent submits that he has incurred huge loss due to non-functioning of the ferry during most of the period of the year 2020 in view of the Covid Pandemic and accordingly prayer was made for extension of the period of lease. The Nadia Zilla Parishad extended his lease period temporarily till May 15, 2021.

Upon hearing the submissions made on behalf of the parties it does not appear that there has been any illegality on the part of the Nadia Zilla Parishad in settling the ferry ghat temporarily till May 15, 2021 in

favour of the private respondent, as the private respondent was the existing lessee and his lease was in existence till March 15, 2021. After the elections are over the Nadia Zilla Parishad shall take necessary steps for settling the ferry ghat in accordance with law.

WPA 7386 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)