

24th December, 2021
(D/L No.10)
(SKB)

WPA 18194 of 2021
(Via Video Conference)

Mataleb Sk.
Vs.
The State of West Bengal and others

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman
... for the petitioner.

Mr. N. C. Bihani,
Mr. Soumyajit Ghosh
... for the K.M.C.

Affidavit of service filed in Court today is taken on record.

The petitioner prays for a direction on the respondents on leasing out a Ferry Ghat at Berhampore, Murshidabad.

It is submitted by learned counsel appearing for the petitioner that the Ferry Ghat had previously been leased to the petitioner in 2016-17 and that the second lease expired in the end of November, 2021. Counsel submits that a representation was made to the Block Development Officer of the concerned Panchayat Samiti on 2nd November, 2021 but was not responded to and further that the petitioner has come to learn that the lease has already been offered to respondent no.7 despite holding a tender.

Upon considering such submissions, W.P.A.18194 is allowed by directing the respondent no.3 being the Block Development Officer and the Executive Officer, Berhampore Panchayat Samiti, Berhampore, Murshidabad, to consider the representation made by the petitioner on 2nd November, 2021 or any other representation which the petitioner may make within seven days from today and dispose of the representation by passing a reasoned order upon hearing all concerned parties including the petitioner. The reasoned order shall be passed within four days from today and a copy of such be given to the petitioner within a week from passing of such order. It is made clear that if the ferry rights have been given to any party without following due process, the lease offered thereby shall not create any equity in favour of the third party. It is also made clear that the petitioner's representations should be considered in accordance with law.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)