

14.2.2022
Ct. No.19
Sl.no.10
sn

W.P.A. No. 1172 of 2022

Tofiqul Islam @ Tafikul Islam

Vs.

State of West Bengal & Ors.

Mr. Prabal Sarkar

....for the petitioner

Mr. L.M. Mahata

Mr. Rudranil De

..for the State

Mr. Sakya Sen

Mr. Sunil Gupta

..for the respondents.

Learned advocate for the petitioner submits that the settlement of Sunderpur ferry ghat under Bhagwangola-I Gram Panchayat, Murshidabad was made in favour of the petitioner by the concerned panchayat samity and a lease was granted to the petitioner for running the said ferry ghat from March 1, 2021 to February 28, 2022. The petitioner duly deposited Rs. 5,10,000/- as the lease amount.

It is the contention of the petitioner that due to rise in the Covid-19 pandemic, passengers were not using the ferry service and the ferry service was stopped for a considerable period. It is further submitted that the ferry services were further suspended, during the second wave of the pandemic, and thus, the petitioner was not able to recover the loss suffered during the lease period.

The petitioner apprehends that the authorities without considering the prayer for extension on certain terms and

conditions for settlement of the ferry ghat for a further period to enable the petitioner to make good the loss suffered by him, were going issue a fresh tender for settlement of the aforementioned ferry ghat. It is further submitted that time and again the authorities have taken a policy decision to grant extension to lease holders upon payment of minimum charges. The petitioner submits that the authorities may be directed to take a sympathetic decision in view of the facts narrated hereinbefore. The petitioner also indicates various letters written by the petitioner as also his learned advocate to the Executive Officer, Bhagwangola- I Panchayat Samity for such relief.

Mr. Mahata, learned advocate for the respondents submits a report prepared by the Executive Officer, Bhagwangola- I Panchayat Samity, indicating that the samity had decided at its meeting to go for a fresh tender for the year March 1, 2022 to February 28, 2023. It is further submitted that the prayer of the petitioner was taken into account and the authorities had opined that during the financial year 2020-2021, the petitioner was granted two months extension but no further extension would be granted.

Under such circumstances, this writ petition is disposed of with a direction upon the Executive Officer, Bhagwangola- I Panchayat Samity to intimate to the petitioner the fate of his prayer made through his learned advocate, upon granting an opportunity of hearing to the

petitioner. The said decision shall be taken within 10 days from date of communication of this order. The petitioner is directed to serve a server copy of this order upon the concerned authorities. A reasoned order shall be passed and communicated to all concerned.

It appears from the instructions dated January 28, 2022 prepared by the Executive Officer, Bhagwangola- I Panchayat Samity, that till that date, the auction of the ferry ghat had not commenced. Mr. Sakya Sen also submits that the tender notice has not been published.

This Court has not gone into the merits of the claim of the petitioner.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)