

29.03.2022
Court No. 19
Item No.6
sn

WPA 5263 of 2022

Kausar Ali
Vs.
State of West Bengal & ors.

Mr. Partha Pratim Roy
Mr. Sarbandu Sanyal
Ms. Poulumi Chakrabortyfor the petitioner

Mr. L.M. Mahata
Mr. P.B. Mahata ..for the State

The innocuous prayer of the writ petitioner, who is the existing operator of a ferry ghat of Mahammadpur to Bahura in the district of Murshidabad, is that the Raghunathgunj-II Panchayat samiti must be directed to consider the representation of the petitioner for grant of an extension of the settlement of the ferry ghat to the petitioner. It is submitted that such extension be granted for a reasonable period in order to enable the petitioner to make up the financial losses which have been suffered during the pandemic period.

It is submitted by the learned advocate for the petitioner that although the petitioner deposited the entire amount of lease rent, the pandemic situation did not permit operation of the ferry ghat in the manner and to the extent expected, as such, the petitioner suffered huge financial loss.

Mr. Basu submits that the petitioner does not have any right of extension and his tenure expires on March 31, 2022.

It is within the exclusive domain of the authority as to whether such extension shall be granted or not. As a matter of policy, the authority must decide the issue. It is not for the writ court to decide whether the prayer of the petitioner may be granted on the records available and on the submissions of the petitioner. Whether a fresh tender shall be called is also a policy decision. The entire issue is left to the decision of the Executive Officer, Raghunathgunj-II Panchayat Samiti, Murshidabad. The representation of the petitioner, which is Annexure P/3 at page 17 to the writ petition, shall be disposed of upon hearing the petitioner within two weeks from date.

A reasoned order shall be passed and communicated to all concerned within the aforementioned period.

The Court notices the fact that, as yet, no public auction has been called for.

This writ petition is disposed of.

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

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)