

14
16.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A. 9664 of 2022
IA No. CAN 1 of 2022**

**Rajab Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Anjan Bhattacharya,
Mr. Sirajul Haque Mondal.
...For the Petitioner.**

**Mr. Amitava Chaudhuri,
Ms. M. Chaudhuri,
Mr. N. Roy.
...For the Nadia Zilla
Parishad.**

**Mr. Naren Ghosh Dastidar,
...For the State.**

**Mr. Usof Ali Dewan,
Mr. Asif Dewan.
...For the Addition of Party.**

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

Supplementary affidavits affirmed by the petitioner on 2nd June, 2022 and 16th June, 2022 filed in Court today be kept with the records.

The petitioner is interested to continue with the lease of a Ferry Ghat in the region Kanainagar Patikabari.

The petitioner submits that he has deposited a sum of Rs. 15,00,000/- (Rupees fifteen lakh) on 4th May, 2022 and a further sum of Rs. 7,00,000/- (Rupees seven lakh) in two installments i.e. Rs. 5,00,000/- (Rupees five lakh) and Rs. 2,00,000/- (Rupees two lakh) on 11th May, 2022 and 12th May, 2022 respectively.

The petitioner prays for a direction upon the Nadia Zilla Parishad to hand over possession of the Ferry Ghat to his client.

Learned advocate appearing for the Nadia Zilla Parishad submits, upon instructions, that the petitioner was initially black listed as he failed to deposit the lease rent for the period during which the lease was executed in his favour but after the petitioner cleared the dues, his name has been removed from the black listed list.

The petitioner is presently permitted to participate in the auction process for taking possession of the Ferry Ghat.

The Court has been made aware of the fact that an auction notice has been published by the Nadia Zilla Parishad on 14th June, 2022 fixing on 28th June, 2022 as the date of auction.

The Court has also been made aware of an order dated 6th June, 2022 passed by the Hon'ble Division Bench of this Court presided over by the Hon'ble Chief Justice in a Public Interest Litigation being WPA(P) 217 of 2022 (Kolkata Anti-Corruption Research & Analytical Institute –vs- The State of West Bengal & Ors.) wherein the Court took note of the fact that open auction will be

conducted for allotment of Ferry Ghat by the Nadia Zilla Parishad.

Upon hearing the submissions made on behalf of the parties and upon perusal of the materials on record, it appears that decision has already been taken by the Nadia Zilla Parishad to publish the auction notice and date of auction has been fixed on 28th June, 2022.

All the interested parties may participate in the auction and after the auction is conducted, necessary steps shall be taken by the Nadia Zilla Parishad to execute lease with the successful tenderer.

An application for addition of party has been filed in the present writ petition on behalf of an intending tenderer.

The prayer of the applicant for being added as a party respondent is considered but the Court is of the opinion that there is no requirement of any addition of party as anybody and everybody is free to participate in the tender process. Accordingly, the application for addition of party stands disallowed.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)