

76. 10.06.2022
Ct. No.6
Tanmoy

M.A.T. 843 of 2022

**Murshidabad Patni Co-operative Society Ltd. & Anr.
-Versus-
The State of West Bengal & Ors.**

**With
IA No: C.A.N. 1 of 2022**

Mr. Partha Pratim Roy, Adv.,
Mr. Sarbananda Sanyal, Adv.,
Mr. Dyutiman Banerjee, Adv.

...for the appellants.

Md. T.M. Siddiqui, Adv.,
Mr. Supratim Dhar, Adv.

...for the State respondents.

Mr. Rajat Dutta, Adv.

...for the respondent no.5.

Mr. Robiul Islam, Adv.

...for the respondent no.6.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The appellants were the writ petitioners before the learned Single Judge. The matter pertains to a challenge by the writ petitioner to the e-Auction process undertaken by the State for settling Ferry Ghats in favour of intending operators. In effect, the writ petitioners challenged the e-Auction notice issued by the District Land and Land Reforms Officer (DL&LRO), Murshidabad in exercise of

power under Clause 281(iii) of the West Bengal Land Reforms Manual, 1991.

Before the learned Single Judge the State took a point of maintainability of the writ petition in this Court in view of the provisions of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997. In view of such objection being raised, the learned Judge did not deem it proper to pass any *interim* order and directed the matter to be listed on June 27, 2022 for hearing the point of maintainability. Being aggrieved the writ petitioners are before us.

We have heard learned Counsel for the parties. Mr. Roy, learned Advocate appearing for the writ petitioners/appellants, has relied on a judgment of a co-ordinate Bench in the case of ***Bhandardaha Beel Matsyajibi Samabay Samity Ltd. and Ors. Vs. State of West Bengal and Ors.***, reported at ***(2014) 1 Calcutta Law Times 258 (HC)***. We are of the view that the said judgment ought to be considered by the learned Single Judge while deciding the point of maintainability of the writ petition. Since the matter is pending before the learned Single Judge and has been fixed for being considered on the point of maintainability on June 27, 2022, we are not inclined to intervene and pass any order on this appeal. We only request the learned Single Judge to decide the point of maintainability and the writ petition as early as the business of the Court may permit after taking into consideration the Division Bench judgment

referred to above. Any action taken by the respondents in this appeal shall abide by the result of the writ petition. This would necessarily mean that if the point of maintainability of the writ petition is decided in favour of the writ petitioners and the writ petitioners succeed on merits, then the consequences will follow.

The appeal being M.A.T. 843 of 2022 and the connected application being IA No: C.A.N. 1 of 2022 are accordingly disposed of.

Let urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Subhendu Samanta, J.)

(Arijit Banerjee, J.)