

02.09.2022
Sl. No.12(SL)
srm

W.P.A. No. 19661 of 2022

Biswajit Das

Versus

The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Maidul Islam Kayal,
Ms. Priya Ghosal

...for the Petitioner.

Ms. Chaitali Bhattacharya,
Mr. Mrinal Kanti Ghosh

...for the State-respondents.

Mr. Tapash Kumar Mondal

...for the South 24-Parganas Zilla Parishad.

Affidavit-of-service is taken on record.

The petitioner has fairly submitted that the cause of action in the writ petition does not survive. The writ petition was filed challenging the notice of auction dated August 17, 2022 in respect of grant of licence to operate a ferry ghat from Sumatinagar to Namkhana via Mrityunjay Nagar Ferry Ghat. The petitioner participated in the tender process. Thus, this Court does not find any reason to pass orders as the prayers made in the writ petition, have become infructuous.

The petitioner now prays that although the ferry ghat had been settled in favour of the petitioner for a considerable period of time by the South 24-Parganas Zilla Parishad and money in advance had been accepted from the petitioner in

lieu of such settlement, the physical possession of the ferry ghat could not be handed over to the petitioner, in view of the forceful and illegal occupation by one Dijen Gole. The petitioner prays for a direction upon the South 24-Parganas Zilla Parishad, for refund of the money.

As such prayer is beyond the scope of the writ petition, the writ petition is disposed of, granting liberty to the petitioner to make an appropriate representation before the respondent No.4, who shall consider the grievances of the petitioner and pass necessary orders. It is the obligation of the Zilla Parishad to hand over physical possession upon completion of the tender process, to the successful bidder. In case it is actually found on physical enquiry and upon verification of the records, that the possession of the ferry ghat had not been handed over to the petitioner although the money was accepted from the petitioner, a reasoned decision shall be passed and communicated to the petitioner with regard to the claim for refund. If such refund is not allowed, reasons shall be disclosed.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)