

16.01.2023
Court No. 19
Item no.41
CP

WPA No. 1119 of 2023

Tara Sankar Thakur
Vs.
The State of West Bengal & Ors.

Mr. Aritra Shankar Ray
....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. P. B. Mahata
...for the State.

The petitioner is directed to show cause in terms of the letter dated January 6, 2023, issued by the respondent no. 3, i.e. the Executive Officer, Garhbeta-I Panchayat Samiti, within a period of 10 days from date.

It is the opinion of the court that the rate chart which was published and notified by the authority with regard to the operation and management of the picnic spot by the petitioner, could not have been deviated from.

The petitioner is directed to deposit the entire amount drawn in excess of the prescribed rate of 2019 within a period of 10 days from date, in the office of the concerned panchayat samiti either by bank transfer or a bank draft. The petitioner may be allowed to continue as per the earlier rate chart dated December 5, 2019, until a fresh rate chart is published.

The authorities are restrained from taking any action adverse to the interest of the petitioner for a period of 10 days. Thereafter, the authority may proceed only if the petitioner does not comply with the order of this court.

The learned advocate of the petitioner is also granted liberty to request the authority for publication of a new rate chart. The authority shall consider such request and decide the same independently and in accordance with law.

The terms and conditions of the lease and other issues raised have not been decided.

This order shall not be applicable in case the petitioner violates other terms and conditions of the lease granted to him.

The writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)