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13.06.2023
d.p.

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

W.P.A 4002 of 2023

**Sri Ranajit Modak
-versus
The State of West Bengal & Ors.**

**Mr. Nilanjan Bhattacharjee,
Mr. Abhilash Chatterjee.
...For the Petitioner.**

**Mr. Atanu Biswas.
...For the Municipality.**

The petitioner is aggrieved by the act of the Kalna Municipality in terminating the lease of the ferry service way back in 2016. The lease was effective from 16th February, 2014 to 15th February, 2017.

The petitioner's lease period was abruptly terminated on 31st May, 2016 without any notice and contrary to the lease deed.

It appears that the petitioner was implicated in a criminal case and was taken into custody. The said criminal case came to an end in November 2022.

The petitioner thereafter filed application seeking refund of the payment for the remainder of the lease period and the security deposit. The said application was made in January 2022 and the same is pending consideration till date.

Learned advocate appearing for the Municipality is yet to receive proper complete instruction in the matter.

In view of the above, the instant writ petition is disposed of by directing the Chairman of the Kalna Municipality to take a decision with regard to the prayer submitted by the petitioner on 18th January, 2022 in accordance with law and in terms of the lease agreement entered in between the parties after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 18th January, 2022 along with all documents in support of his claim to the Chairman of the Municipality at the time of communicating the order of the Court.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)