

04.01.2023
rc/ct.no.10
Item No.ML-70

WPA No. 5800 of 2022

Mr. Supratic Roy
Ms. Sneha Dutta ..for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

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

It is contended on behalf of the petitioner that the water body was leased out to the petitioner for a period of 5 years from 1425 BS to 1429 BS in terms of the notice inviting tender dated 31st May, 2018. Possession of the said water body was admittedly handed over to the petitioner on 3rd February, 2021. The petitioner has paid lease rents for the same from 1425 BS to 1429 BS.

Assailing the order impugned dated 5th February, 2021, learned counsel for the petitioner submits that since admittedly possession of the water body was handed over to the petitioner on 3rd February, 2021, the authority ought to have extended the period of lease for a period of 5 years from the said date.

It transpires from the order impugned dated 5th February, 2021 that the lease was modified by the authority and reduced to a period of 3 years from 1427 BS to 1429 BS with effect from the handing over the possession of the water body. Since the lease was granted

to the petitioner in terms of the notice inviting tender which says that the lease would be for a period of 5 years in case of water bodies comprising less than 20 acres, the authority ought to have adhered to the said term of the tender instead of modifying the same without giving reasonable opportunity of hearing to the petitioner.

In view of the above, this Court is inclined to hold that the concerned authority being the respondent no. 3 herein, be directed to act in terms of clause 9 of the notice inviting tender dated 31st May, 2018 and extend the lease period of the petitioner for a period of 5 years from the date of delivery of possession of the water body to the petitioner, i.e. 3rd February, 2021.

The order impugned passed on 5th February, 2021 is set aside.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)