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27.02.2023
Ct. No.10
b.das

WPA 10532 of 2022

Sukdev Sarkar
Vs.
The State of W. B. & Ors.

Mr. Samarendranath Biswas ...for the petitioner.

Mr. Samrat Sen
Mr. Chandi Charan De
Mr. N. Chatterjee
Ms. M. Ali ...for the State.

On prayer of the petitioner, liberty is granted to implead the Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs as respondent No.9 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

Report in the form of affidavit submitted on behalf of the State respondent is taken on record.

The report demonstrates that pursuant to a request made by the Chairman, Jiaganj-Azimganj Municipality for allotment of the ferry ghat in question in favour of the municipality in terms of Section 35 of the Bengal Ferries Act, 1885 read with Section 132 of West Bengal Municipal Act, 1993, the matter was sent to the District Magistrate and Collector, Murshidabad by the Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs by a letter issued on 6th

December, 2022 requesting views/opinion on the proposal. Such opinion was sent by the District Magistrate and Collector, Murshidabad on 19th December, 2022. The matter is still pending consideration by the authority.

It is not in dispute that the private respondent who was the erstwhile leaseholder has been continuing with the operation of the ferry ghat since expiry of the lease on 14th April, 2018.

The fact situation in the case in hand calls for settlement of lease of the ferry ghat in question either by allotting the same in favour of the municipality or by floating e-auction for the same.

In view of the above, this Court is inclined to hold that no purpose will be served by keeping the writ petition pending.

The writ petition is disposed of directing the Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs, being the 9th respondent herein, to consider the request made by the Chairman, Jiaganj-Azinganj Municipality, which is pending before him, within a period of one month from the date of communication of this order after giving reasonable opportunity of hearing to all the interested persons, in accordance with law.

In the event the said request is turned down by the authority, the concerned authority being the 3rd respondent herein, shall take necessary steps for floating e-auction in

respect of the ferry ghat in question within another month thereafter.

With the above observations and directions, the writ petition being WPA 10532 of 2022 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)