

03 04.04.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 9249 of 2024

Abdul Bari
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Amit Bikram Mahata,
Mr. Aditya Bikram Mahata,
Mr. Kaustav Ray.
...for the petitioner.

Mr. Shantanu Mitra,
Mr. Prasanta Behari Mahata.
..for the State.

The petitioner is running the Paschim Ratanpur Kosi Ferry Ghat in terms of the agreement of lease, which was settled in his favour in the year, 2022 as per auction notice 06th April, 2022. On account of certain litigation in connection with the said auction, the Pradhan of the Panchayat issued the settlement notice in favour of the petitioner on 25th July, 2022, mentioning that the ferry is being settled with effect from 13th April, 2022 for two years.

The petitioner submits that as the possession of the ferry was delivered to him on 25th July, 2022, accordingly, he is liable to run the ferry ghat for a period of two years from the date of taking possession.

The petitioner has averred in the writ petition that the Pradhan has directed the petitioner not to continue with the ferry service after 12th April, 2024. No written communication

has, however, being given by the Pradhan to the petitioner as yet.

The petitioner has made a representation before the Pradhan of the Gram Panchayat on 15th March, 2024 requesting the Pradhan to permit him to continue till 27th July, 2024. The said representation is pending consideration.

None represents the Panchayat.

Affidavit of service filed in Court is taken on record.

It appears from the submission made on behalf of the petitioner and on perusal of the documents placed before this Court that the ferry service has been settled for a period of two years. Possession of the ferry was handed over to the petitioner on 25th July, 2022 and, accordingly, the petitioner, in ordinary course of events, ought to be permitted to continue the service for a period of two years from the date of possession.

As, admittedly, the ferry was not handed over to the petitioner on 13th April, 2022, accordingly, the petitioner ought not to be directed to discontinue the service on and from 13th April, 2024.

The representation made by the petitioner before the Pradhan seeking permission to continue till July, 2024 is pending consideration.

In view of the above, the instant writ petition is disposed of by directing the Pradhan of the Gram Panchayat to consider the representation of the petitioner seeking permission to continue the ferry service till July, 2024 in the light of the observations made hereinabove at the earliest, but positively

prior to 14th April, 2024 and pass a reasoned order and communicate the same to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the writ petition along with all annexures to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)