

Court No. 2

19.7.2024

(Item No. ADSL
3)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16356 of 2024

Mr. Sentu Ghosh

VS

The State of West Bengal & Ors.

Mr. Biplab Guha

Mr. Bikas Mondal

.... For the petitioner

Mr. Lalit Mohan Mahata

Mr. Ziaul Haque

.... For the State

Mr. Amitava Chaudhuri

Mr. N. Roy

Mr. Pradipta Siddhanta

....for respondent Nos. 2,3 & 5

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

Upon urgency being pleaded that there is an
immediate threat of demolition of the dwelling house
of the petitioner and upon the regular determination
being assigned to this bench, this writ petition has
been taken up.

Mr. Biplab Guha, learned advocate appears for
the petitioner.

Mr. Lalit Mohan Mahata, learned Additional
Government Pleader appears for respondent Nos. 1
and 4.

Mr. Amitava Chaudhuri, learned advocate
appears for respondent Nos. 2, 3 and 5, the
Panchayat Samiti.

The petitioner submits that, upon granting a
lease, the petitioner since **January 6, 2023** after

execution of the lease document had been running **Maheshganj Taranpur Ferry Ghat, Nabadwip Panchayat Samity, (for short, Ferry Ghat)**. The lease initially expired on **January 31, 2024**. Subsequently, under a communication dated **March 6, 2024, annexure P-6** at **page 23** to the writ petition the lease was extended till **June 19, 2024**. Therefore, today the lease stands expired.

Referring to an e-auction notice dated **July 12, 2024, annexure P-1** at **page 6** to the supplementary affidavit affirmed by the petitioner on July 19, 2024, learned counsel for the petitioner submits that, the Panchayat Samity has been proceeding with the auction for the said Ferry Ghat for granting lease and the auction shall be closed finally on **July 26, 2024**. Referring to its representation dated **July 18, 2024, annexure P-2** at **page 7** to the said supplementary affidavit the learned counsel for the petitioner submits that, the petitioner sought to apply to participate in the said tender process but the application was not received by the respondent No. 5.

After considering the submissions made on behalf of the parties and upon perusing the materials on record, it appears to this Court that, the auction shall be closed on July 26, 2024. The petitioner shall submit auction bid strictly in accordance with the terms and conditions of the e-auction procedure

positively on July 22, 2024. In the event, such offer is submitted by the petitioner, the appropriate authority who shall finalize the tender process shall also consider the offer of the petitioner along with other offers, if any, in accordance with the terms and conditions of the tender process so that, the petitioner can get an opportunity of equal participation in the same tender process.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, in the event, the petitioner is found to be ineligible, strictly in accordance with the tender terms and conditions. The offer of the petitioner shall be evaluated along with other offers of the tender process.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Learned advocates appearing for the parties shall be at liberty to communicate the gist of the order to their respective clients.

With the above observations and directions this writ petition, **WPA 16356 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)