

M/L 87
18.06.2025
Court No.14
PRADIP

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 8728 of 2025

**Sagar Lal Majhi @ Sagar Lal Mondal
Vs.
The State of West Bengal & Ors.**

*Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
Mr. Samrat Chakraborty*

...for the Petitioner.

*Mr. Ashim Kr. Ganguli
Mr. Bellal Seikh*

...for the State.

1. The petitioner is aggrieved by the proceeding initiated by the ADM & DL&LRO under the Bengal Public Demands Recovery Act, 1913. A demand notice under Section 7 of the Act had been issued to the petitioner claiming that a sum of Rs. 7,27,886/- was due from the petitioner on account of arrears of land revenue.
2. The petitioner was directed to pay off the liability within thirty days or else the authority shall execute the said certificate.
3. A settlement of the Chak Islampur Ferry Ghat was made in favour of the petitioner in 2017 and the rent fixed for the same was Rs. 1,57,600/-. The petitioner paid a sum of Rs. 80,000/- only and the rest was due. The settlement was valid till the last day of *Chaitra 1414 BS*.
4. After expiry of the aforesaid settlement, no further settlement was entered into in between the petitioner and the authority in respect of the said Ferry Ghat.

5. The petitioner claims that, the petitioner was orally directed to run the same for public convenience. Lease rent was never fixed. The petitioner admits running the Ferry Ghat continuously.
6. Specific case of the petitioner is that as there was no formal contract in between the petitioner and the authority and the lease rent had not been settled, accordingly, the authority cannot raise a demand against the petitioner, far less initiate proceeding for recovery of the demand in terms of the aforesaid Act.
7. It has been submitted that the petitioner was not in a position to run the business due to Covid-19 pandemic and suffered heavy losses.
8. The impugned notice mentions the lease rent due and payable. The petitioner denies the fixation of the lease rent.
9. As it appears that there is a provision for filing petition in the prescribed format signed and verified in the prescribed manner denying liability under Section 9 of the Act, accordingly, without entering into the merits of the allegations of the petitioner, the instant writ petition is disposed of by granting leave to the petitioner to approach the authority by filing petition disclosing all facts and figures.
10. The petition shall be treated as a petition under Section 9 of the Act if the same is filed in the prescribed format, signed and verified in the prescribed manner.
11. Section 9 requires a petition to be filed within thirty days from the execution of any process for enforcing the certificate. In the instant case, the petitioner has approached this Court immediately after the impugned

notice was issued in his favour, the Court, accordingly, permits the petitioner to file the petition before the Certificate Officer by 30th June, 2025.

12. If the petitioner approaches the Certificate Officer within the time limit stipulated hereinabove, then the Certificate Officer shall consider the case of the petitioner strictly in accordance with law and dispose of the same after giving a reasonable opportunity of hearing to the petitioner to defend himself.
13. The Certificate Officer shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.
14. Till proper adjudication of the demand is made, no coercive proceeding shall be initiated against the petitioner.
15. The writ petition stands disposed of.
16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)