

27.03.2025
Item No.26
PG/KS
Ct. No.1

W.P.A. (P) 479 of 2024
Md. Mabud Sk. & Ors.
Versus
State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Anindya Bhattacharya
.....For the Petitioners

Mr. Sunil Gupta
Mr. Hasibul Islam
.....For the Respondent No.2

1. The petitioners by way of filing this public interest litigation seek for quashing of a memo issued by Zilla Parishad calling for auctioning the rights for operating ferry ghats for a period of three years.
2. The Court found that the persons in whose favour the license has been granted were not impleaded. Therefore, leave was granted to implead.
3. However, the petitioner has impleaded only one of the persons, who is the respondent no.8. The only ground on which the action of the Zilla Parishad was challenged is by contending that prior experience condition was not stipulated while inviting offers for operating the ferry services. This, according to the petitioners, is a gross abuse of power by the Zilla Parishad and with a view to eliminate certain persons and to settle the ferry services to persons of their choice.
4. The learned advocate appearing for the Zilla Parishad submitted that several attempts were made for inviting offers from persons with sufficient experience and many a times, the Zilla Parishad was unable to secure any application for

operating the ferry service. However, the newly added respondent no.8 had been operating two other ferry services in other neighbouring areas.

5. In any event, it is for the tender inviting authority to fix the terms and conditions of tender and the terms will be settled based on a policy, which has been drawn. Unless it is shown that the policy is palpably illegal, the Court should not interfere in such process.
6. In our view, the decision taken by the Zilla Parishad cannot be stated to be either palpably illegal or manifestly arbitrary for this Court to interfere.
7. Hence, the prayers sought for in this writ petition cannot be granted and accordingly, the writ petition is dismissed.
8. Further, it is noted that the work order has already been issued.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)