

02.03.2026
Item No.12
Ct. No.01
RP

WPA(P) 63 of 2026

**Kamala Ray & Ors.
Vs.
The Home Secretary, Government of West Bengal &
Ors.**

Mr. Manabendra Nath Bandyopadhyay
Mr. Naushad Akhtar
Ms. Tapasi Das

...For Petitioners

Mr. Swapan Datta, Ld. GP
Mr. Nilotpai Chatterjee

...For State

Mr. Somnath Roy

...For Respondent No.7

Mr. Suman Basu

...For Respondent No.8

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsels.
2. The petitioners have prayed for the following reliefs.

“(a) A writ of or in the nature of Mandamus commanding the respondents nos.1 to 10 to investigate, cancel/rescind the disputed lease granted in favour of the present lessee for plying ferry service between the District of North 24 Parganas and Hooghly across the river Ganga, the impugned notification, fare chart, illegalities in connection with the said ferry service.

(b) A writ of or in the nature of Mandamus commanding the

respondents nos.1 to 10 to reveal the truth for the impugned notification, purported fare chart, other illegalities in connection with the said ferry service.

(c) A writ of or in the nature of Mandamus commanding the respondents nos.1 to 10 to reveal the truth in connection with the said ferry service between the District of North 24 Parganas and Hooghly across the river Ganga and may do the search/seizure of the unaccounted income of the private respondents and illegal activities in connection with the said ferry service.

(d) A writ of or in the nature of Mandamus declaring that the said unaccounted income and illegal activities of the private respondents in connection with the said ferry service are void ab initio.

(e) A writ of or in the nature of Certiorari directing the respondents to certify and transmit all relevant records lying at the office of the respondent authorities pertaining to the instant case and certify the same so that conscionable justice administered;

(f) Stay of operation of the impugned illegal activities and unfair trade practices of the private respondents in connection with the said ferry service and restraining the present lessee/Private Respondent No.11 from compelling and collecting monthly fares from the season ticket holders for the period of June 2022 to August 2025 in favour of the previous lessee/respondent no.12 named Mankeshwar Singh in connection with

the said ferry service across the river Ganga.

(g) Issue of season tickets to all willing daily passengers and stop the lessee from collecting fares beyond fixed rate prescribed by the competent authority in between the normal times of plying and even throughout the night for plying the ferry during the Jagdharti Puja throughout the lease period.

(g) Rule NISI in terms of prayers above;

(h) An interim order in terms of prayers above;

(i) Costs and incidental charges to this application;

(j) Such further order or orders and/or direction or directions may be passed as Your Lordships may deem fit and proper.”

3. Heard the learned counsels for the parties at length.
4. The first attack is on the impugned notification/auction notice dated 13.08.2025 whereby the Garulia Municipality decided to go for an e-auction for ferry ghat Babughat-Bhadreswar Ferry Ghat under Garulia Municipality. Pursuant to the said notice, the contractor, who was successful bidder, has started functioning. Despite repeated query

from the Court the learned counsel for the petitioners could not point as to why the e-auction notice/notification itself is bad-in-law. The only submission advanced is that the petitioners desired certain information under RTI Act, 2005 but the same were not supplied. In our opinion, if the original authority under the said Act had not supplied the said documents, nothing prevented the petitioners to avail two more statutory remedies available under the RTI Act, 2005 to get the desired documents. In absence of documents to show that auction notice itself was bad-in-law, no roving enquiry can be directed to be undertaken. The petitioners have miserably failed to show that auction notice/notification was bad-in-law.

5. The second limb of argument of the learned counsel for the petitioners is that the fare chart, being Annexure P3, prescribes a different rate than the rate actually applied in the ferry. Putting it differently the learned counsel for the petitioners submits that more

than the prescribed ferry rates the passengers were charged and they were threatened if they would not pay excessive amount they will not be able to undertake the journey.

6. Learned counsel for the respondent no.7 submits that the entire auction notice and the activity is under the Garulia Municipality and the Bhadreswar Municipality has no role to play. Thus, this Municipality is not a necessary party. No convincing argument could be advanced by the learned counsel for the petitioners to show that the respondent no.7 is indeed a necessary party. This PIL against the respondent no.7 is dismissed.
7. The third argument of the learned advocate for the petitioners is in relation to charging excessive amount. However, the representation dated 22.08.2025 at page 31 of the writ petition is little different in nature which gives an impression as if higher rates beyond affordable capacity are fixed for passengers. In this view of the matter for the

second relief we deem it proper to dispose of this writ petition with the following directions.

- (i) The petitioners may prefer a detailed representation about their aforesaid grievance alongwith a server copy of this order before the respondent no.8.
- (ii) In turn, the respondent no.8 shall consider the representation, examine the allegations mentioned therein and pass a reasoned and speaking order expeditiously, preferably within thirty days from the date of receipt of the representation.
- (iii) During the course of hearing it will be open to the respondent no.8 to hear the petitioners and the contractor/private respondent nos.12 and 13. The reasoned and speaking order shall be communicated to the parties.

8. This PIL is disposed of as against the respondent nos.1 to 6 and 8 to 13 without expressing any opinion on merits of the matter.

9. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]