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Ct No 2023
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**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5720 of 2023

**Konnagar Rishra Water Transport Passengers
Welfare Association & Anr
Vs
The State of West Bengal & Ors**

Mr. Sudipto Moitra, Sr. Adv.
Mr. Samiran Mondal,
Mr. S. C. Dhara,
Mr. Abhinaba Das,
Mr. Nitish Samanta, ... For the petitioners.

Mr. Triptimoy Talukdar,
... For the Konnagar Municipality.

Mr. Jahar Lal De,
Mr. Rudranil Dey, ... For the State.

Ms. Deblina Chattoraj,
... For the respondent nos. 5 to 7.

The West Bengal Surface Transport Corporation Ltd. executed a license agreement on 7th July, 2012 with the petitioner no. 1 for running the ferry service between Konnagar and Panihati.

The said license agreement was valid for a period of ten years.

Prior to the expiry of the license agreement, the petitioners filed a representation before the Managing Director of the West Bengal Surface Transport Corporation Ltd. on 18th November, 2021 praying for renewal of the license agreement.

The petitioners submit that the licensor did not intimate the petitioners, being the licensee, anything with

regard to the said prayer for renewal. After expiry of the license period, the petitioners continued with the ferry service.

The present writ petition has been filed on 6th March, 2023 praying for a direction upon the licensor to extend the license period for at least six years.

A supplementary affidavit has been filed today disclosing that on the day the writ petition was filed, the Chairman of the Konnagar Municipality issued a notice notifying that one Jitendra Singh will take over the charge of the operation of the Konnagar ferry service from 10th March, 2023 as per approval given by the Board of Councillors, Konnagar Municipality in its meeting held on 27th January, 2023.

The petitioners filed a legal representation before the Chairman of the Municipality on 9th March, 2023 with a request to withdraw the said notice dated 6th March, 2023.

The petitioners submit that for a substantial period when the license agreement was valid, the Konnagar Municipality interfered with the running of the business of the petitioners for which the petitioners were compelled to approach this Court by filing writ petition. As the order passed in the writ petition was not complied with, an application for contempt was filed.

In answer to the Contempt Rule issued, the District Magistrate, Hooghly appeared before this Court and filed a report. Relying upon the said report the Court was pleased to dispose of the contempt application by

requesting the District Magistrate, Hooghly to ensure through officers in administration including the police that the petitioners may be able to run the ferry service in question without any obstruction.

The petitioners submit that due to obstruction in the business, the petitioners suffered financial loss and to compensate the same, the licensor ought to renew the license agreement.

Learned advocate representing the licensor submits, upon instruction that, a meeting was held on 5th August, 2022 wherein the prayer of the petitioners for extension of the license agreement was taken into consideration.

The Chairman of the Municipality and the Secretary of the petitioners attended the meeting. After prolonged discussion, the licensor agreed to allot the ferry service to the Konnagar Municipality. The money which was deposited by the petitioners from the Bank Account of New Anjali Jewellers was resolved to be refunded back and payment was directed to be made by the petitioners either by demand draft or by online system from the bank account of the petitioners.

The representative of the petitioners who attended the meeting recorded no objection if the ferry service is leased out to Konnagar Municipality and the representative of the petitioners agreed to pay the balance outstanding amount to the West Bengal Surface Transport Corporation Ltd. The signature of the representative of the petitioners, who attended the meeting on 5th August, 2022 has been produced in Court.

Learned advocate representing the Municipality submits, upon instruction that, consequent to the meeting held by the West Bengal Surface Transport Corporation Ltd., the ferry ghat was leased out to the Municipality and charge has already been handed over on 10th March, 2023 by the representative of the petitioners to one Jitendra Singh, who has been engaged by the Municipality for running the ferry service.

It has been submitted by the learned senior counsel representing the petitioners that the petitioners were not aware of the meeting held on 5th August, 2022 and the alleged signature of the representative of the petitioners is by a person set up by the Municipality and is not the signature of the representative of the petitioners.

The aforesaid submission is opposed by the learned advocate representing the Municipality and the West Bengal Surface Transport Corporation Ltd.

Learned advocate representing the respondents seeks time to file affidavit in the matter.

It appears from the documents placed before this Court that admittedly the license of the petitioners expired long back. After the expiry of the license, the petitioners could not have continued to run the ferry service without expressed permission of the licensor.

The licensor has not accepted the prayer of the petitioners for extension of the license period and has taken a decision to grant fresh license in favour of Konnagar Municipality. The Municipality is presently in charge of the ferry ghat.

At this stage, there is hardly any scope to pass any interim order.

The respondents are directed to file affidavit-in-opposition by 13th April, 2023. Reply, if there be any, be filed by 26th April, 2023.

Liberty to mention.

Affidavit-of-service filed by the petitioners be kept with the record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(Amrita Sinha, J.)