

13-09-2019  
Court No.1  
Sh/06.

**CIRCUIT BENCH OF  
CALCUTTA HIGH COURT  
AT JALPAIGURI  
WRIT APPELLATE JURISDICTION  
APPELLATE SIDE**

**M.A.T. 23 OF 2019**  
**With**  
**C.A.N. 01 of 2019**

**Fazlur Rahaman & Ors.. . .Appellants.**  
**Vs.**  
**The State of West Bengal & ors. .Respondents.**

Mr. Debasish Saha,  
Mr. Bijay Bikram Das.  
                                . . .For the Appellants.  
Nr. Debabrata Dhar,  
Ms. B. Bose.. . . .For the State.

Leave is granted to the learned advocate appearing for the appellants to correct the date of the order appearing at page 4 of the memorandum of appeal here and now.

The present appeal has been filed by the appellants along with the stay application being CAN 01 of 2019 assailing the impugned order dated 30-08-2019, passed by the learned single Judge.

Mr. Saha, learned counsel appearing for the appellants submits that long back the appellants submitted several representations before the authority, thereby ventilating their grievances.

Since nothing was done by the authority, therefore ultimately on 7<sup>th</sup> August, 2019 the appellants again submitted representation, which is still pending for consideration.

Hence the instant appeal along with the stay application.

Mr. Dhar, learned counsel appearing for the State submits that since the appellants have already filed several representations which are still pending for taking decision. Therefore, Court may direct the respondent authority to take a decision in accordance with law in respect of the petitioner's pending representation.

Considering the submissions advanced by the learned advocates appearing for the parties and perusing the materials on record, we direct the respondent no.8, Assistant Director of Agriculture (Admn), Matigara, Darjeeling to consider and take a decision in respect of petitioner's representation without any further delay but positively within eight weeks from the date of communication of this order after giving an opportunity of hearing to the appellants or their authorized representatives and thereafter communicate the decision to the appellants within a week from the date of taking such decision.

Needless to mention that we have not gone into the merits of the case and all points are kept open to be decided independently by the respondent no.8 at the time of hearing in accordance with law.

The appeal being MAT 23 of 2019 and the application for stay being CAN 1 of 2019 are disposed of without any order as to costs.

Liberty is given to the respondent no.8 to take assistance of the Amin/Surveyor, if so required, from the office of the concerned BL & LRO to take decision.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously on compliance of requisite formalities.

(TIRTHANKAR GHOSH,J) ( SAMAPTI CHATTERJEE, J)