

Ct. 22.12
No. 26
2020

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W.P.A. 20495 of 2019

Tanmoy Sain

-Versus-

The State of West Bengal & Ors.

**Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu**

...For the Petitioner

**Mr. Susovan Sengupta
Mr. Subir Pal**

...For State Respondents

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated August 09, 2019 issued by the Sub-Divisional Controller (F & S), Kalna, wherein the respondent Authority has rejected the application of the petitioner.

Upon a bare perusal of the order it is clear that there is an abject non-application of mind and an application dated July 30, 2019 has been rejected by an order dated July 24, 2019.

I have heard learned Counsel appearing on behalf of all the parties and perused the materials placed on record.

In the light of the same, the impugned order dated August 09, 2019 is hereby set aside with a direction upon the respondent concerned Authority to grant an opportunity of hearing, and thereafter, pass a reasoned order upon the application of the petitioner within a period of six weeks from date. The concerned respondent is directed to communicate the reasoned order to the petitioner within a week from the date of passing such reasoned order.

With the above observations, this writ petition is disposed.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(*Shekhar B. Saraf, J.*)