

AD. 11.
December 21, 2020.
MNS.

W. P. A. 8334 of 2020
(Via video conference)

Tapan Kumar Ghosh and another
Vs.
State of West Bengal and others

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya

... for the petitioners.

Mr. Ayan Banerjee

...for the respondent-authorities.

Although the matter is appearing under the heading 'to be mentioned', on consent, the matter is taken up for hearing.

Affidavit-of-service filed in Court today be taken on record.

The limited grievance of the petitioners is that, despite previous orders giving the petitioners liberty to approach the appropriate authorities and the petitioners having already approached the Deputy Controller, Refugee Relief & Rehabilitation Department for allotment of the flat-in-question in the name of the petitioners on April 18, 2019, the respondent-authorities are sitting tight over the matter of allotment.

Learned counsel appearing for the respondent-authorities raises certain questions as regards the status of the petitioners in respect of the property-in-dispute and alleges that the petitioners are forcible trespassers in respect of such property.

Such contentions are controverted on facts by learned counsel for the petitioners.

This Court, sitting in writ jurisdiction, ought not to enter into the merits of the respective contentions of the parties, since an adjudication on the same would not only be beyond the scope of a writ petition but will amount to pre-judging the decision of the authorities on the issue.

Accordingly, W.P.A. 8334 of 2020 is disposed of by directing the respondent no. 4 to decide on the representation of the petitioners, annexed at pages 25 to 29 of the writ petition, as expeditiously as possible, positively within six weeks from date.

Upon such decision being taken, respondent no. 4 shall immediately communicate the same to the petitioners. Respondent no. 4 shall give an opportunity to the petitioners to represent their stand before the respondent no. 4

prior to arriving at any conclusion regarding the matter.

There will be no order as to costs.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court. In any event, the petitioners are granted liberty to communicate the gist of this order to the respondents even without waiting for such server copy to be uploaded and the respondents are directed to act upon the same.

(Sabyasachi Bhattacharyya, J.)