

March 11, 2021

ARDR

(15)

WPA 6246 of 2021

Parthasareathi Mazumdar & anr.

Vs.

State of West Bengal & Ors.

Mr. Utpal Majumder,
Mr. Pushan Kar,
Ms. Disshita Chomal,

...for the petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Aniruddha Sen,

...for the State.

The grievance of the petitioners is directed against a communication dated 12th February, 2021.

The petitioners assail such notice, primarily, on the ground that it has not been served on the petitioners. The petitioners claim to be the heirs of the original lessee.

It is submitted on behalf of the petitioners that the notice in respect of the proposed action to be taken by the State ought to have been served on the petitioners.

The State is represented.

The State justifies the grounds taken in the impugned notice.

It is further submitted on behalf of the State that the subject premises is not being used as residential purposes.

It is also submitted on behalf of the State that the subject premises is being used to carry on business of a Club.

However, it is fairly submitted on behalf of the State that they have no objection if the petitioners are also served a copy of the impugned notice.

In view of the submissions made on behalf of the State and after hearing the parties, I am of the view that the State serves a copy of the notice also on the petitioners and give them also a right of hearing.

I make it clear that nothing in this order will be binding on the respondent authorities on the merits of the case.

The writ petition is allowed only to the extent that the State respondents will give a right of hearing to the petitioners in respect of the notice date 12th February, 2021.

With the aforesaid directions, WPA 6246 of 2021 is disposed off. However, there shall be no order as to costs.

Since no Affidavit in opposition has been used by the State respondents, the allegations contained in the petition are denied.

(Ravi Krishan Kapur, J.)