

22
jdt.

16.12.2021
jb.

W.P.A. 4625 of 2020
(CAN 1 of 2021)
(Sri Ashim Halder & Anr. vs. State of West Bengal & Ors.)

Mr. Satyajit Mondal
Mr. Amar Nath Sen
Mr. Moloy Dhar
.... For the Petitioners

Mr. Shyama Prasad Purkait
Ms. Moumita Mondal
.... For Respondent Nos.
15a,15b,17 and 18

Mr. Prokash Ch. Mondal
.... For and as Respondent No. 19

Supplementary affidavit filed by the petitioners be
taken on record.

Heard learned counsels for the parties.

Supplementary affidavit filed by the petitioners
records that plot No. 1203 has been wrongly recorded in
paragraph 2 of the writ petition and the petitioners have
no right, title and interest or possession in respect of
the said plot.

By an order dated July 29, 2021 this Court disposed of the writ petition directing the 5th respondent to consider and dispose of the representation of the petitioners appearing at Annexure P-1 of the petition within a stipulated period of time after giving right of hearing to the affected parties. It was made clear in the said order that the Court did not go into the merits of the case and nothing in the order would be construed as being binding on the 5th respondent in so far as the merits of the case was concerned.

The application being CAN 1 of 2021 was taken out by the respondent Nos. 15a, 15b, 17 and 18 praying for recalling of the said order on the ground that there was gross suppression of material facts in obtaining the said order.

The grievance of the respondent No. 19 is that paragraph 2 of the writ petition mentions plot No. 1203 which is owned and occupied by him. By the supplementary affidavit which has clarified the fact that plot No. 1203 was incorporated in the writ petition by mistake and the petitioners have no claim over the said plot, the grievance of this respondent is addressed.

Respondent Nos. 15a, 15b, 17 and 18 submit that there has been suppression of material facts before the

Court. The relevant order dated July 29, 2021 clearly demonstrates that the Court did not consider the matter on merits and only directed the 5th respondent to dispose of the representation filed by the petitioners before him. The Court not having gone into the merits of the case, the question of suppression of any material fact before this Court does not arise. These respondents shall be at liberty to place their case before the Authority when the representation is heard.

Accordingly, CAN 1 of 2021 stands disposed of.

In reiterating the order passed by this Court dated July 29, 2021 I dispose of the writ petition with a direction upon the 5th respondent to consider and dispose of the representation filed by the petitioners dated 3rd February, 2020 within a period of three months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners and the respondents, in accordance with law. The decision taken by the Authority should be communicated to the parties within a week thereafter.

W.P.A. 4625 of 2020 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)