

24.
14-12-2021
debajyoti
(Ct. no.06)

MAT 1025 of 2021
with
IA NO:CAN/1/2021

Sri Gangadhar Sakha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bhudeb Chatterjee,
Mr. Sanjib Kumar Ghosh

... For the Appellants.

Mr. Chandi Charan De, learned A.G.P.,
Mr. Anirban Sarkar,
Ms. Reshmi Rehman

... For the State.

Affidavit-of-Service filed in Court be taken on
record.

By consent of the parties, the appeal and the
application are taken up together for hearing.

The writ petitioners/appellants are the owners
of a brick-field. They approached the learned Single
Judge challenging a show cause notice dated
December 09, 2020, issued by the Block Land and
Land Reforms Officer, Balagarh at Jirat, Hooghly,
which is to the following effect:

“ It appears that the M/S. Prativa
Mitra BF (Railway BF) Prop:
Mrinmoykanti Mukherjee, Mukterpur,
Balagarh, Hooghly is continuing
unauthorised brick manufacturing
business at Mouza-Mukterpur JL No.116.

You did not make any payment
Amount of Rs.308750.00+308750.00
=617500.00 (P.O.E.) Rupees (Six Lakh
Seventeen thousand five hundred) only
during the year 2018-2019 & 2019-2020.

Explain if there is any clarification that why authority shall not take legal action against you. After receiving the letter you have to intimate the undersigned immediately. ”

The learned Single Judge held that generally, the writ court will not interfere with a show cause notice. The noticee has full opportunity of responding to the notice and placing his case before the Authority which has issued the notice. A show cause notice, unless issued without jurisdiction, does not furnish a cause of action. The learned Single Judge dismissed the writ petition. His Lordship further directed the appropriate authority to act expeditiously and conclude the proceedings within a period of three months. Being aggrieved, the writ petitioners are before us.

We are in agreement with the order impugned. Generally, the writ court will not interfere with a show cause notice. *Prima facie*, there is nothing to show that the notice impugned before the learned Single Judge was issued without jurisdiction. The appellants will have full opportunity of explaining to the Authority as to why the loyalty claimed in the impugned notice is not payable. We are told that the appellants have already filed a reply to the show cause notice. They will be at liberty to file a further comprehensive reply, if they so wish, within a period of a fortnight from date. The Authority shall take a reasoned decision in the matter within six weeks from the date of communication of this order to it after giving an opportunity of hearing to the appellants and/or their authorized representative. We have not gone into the merits of the case at all. The Authority shall take an informed decision in accordance with law. The appellants shall be at liberty to urge all

points before the Authority including the point that according to the appellants, the State Government has no jurisdiction to claim loyalty in respect of the concerned brick-field.

MAT 1025 of 2021 and CAN 1 of 2021 are disposed of accordingly.

Affidavits not having been called for, the allegations in the stay application shall be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)