

WPA 22350 of 2019

Sk. Liyakat Hossain & anr.
Vs.
The State of West Bengal & Ors.

Mr. K. J. Tewari,
Mr. Pinaki Dhole,
Mr. Ramchandra Guchait,
...for the petitioners.
..for the State.

The grievance of the petitioners is directed against alleged acquisition of their premises by the State respondents.

It is submitted on behalf of the petitioners that the petitioners have made an application before the respondent authorities on 19th August, 2019 and the same has not been considered by the respondent authorities.

The State respondents are represented and submit that there is gross suppression and misstatement in the writ petition. In particular, it is submitted on behalf of the State respondents that at page 5 of the writ petition the reference to the requisition notice dated 11th March, 1975 and 11th September, 1975 are not reflected in the Annexures to the writ petition. Additionally, it is submitted on behalf of the State respondents that though there is an averment in paragraph 5 of the writ petition that the land of the petitioners has been requisitioned as far

back as in 1975, the notice issued by the respondents appearing in Annexure P-21 is dated 8th February, 1983 being case no. 3/80-81.

Heard the parties.

I am of the view that in view of the deliberate misstatement and suppression contained in the writ petition there is no scope of passing any order in favour of the writ petitioners. It also appears that the petitioner has been litigating for several years and have been unable to assert any enforceable legal right which warrants any kind of discretion in their favour. It is settled that even an order of consideration of a representation cannot be passed as a matter of routine and the petitioners must be able to *prima facie* establish an enforceable legal right even to seek an order of consideration of their representation.

In view of the aforesaid, I do not find any merit in the writ petition and the same is dismissed.

Hence, WPA 22350 of 2019 stands dismissed. However, there will be no order as to costs.

(Ravi Krishan Kapur, J.)