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25.01.2021.
d.p/s.m.

**W.P.A 9817 of 2020
(Via Video Conference)**

**Faroz Ali Shaikh
-versus
The State of West Bengal & Ors.**

**Mr. Saptanshu Basu,
Mr. Sukanta Chakraborty,
Ms. S. Biswas,
Ms. Benajir Hossain,
Mr. Anindya Halder.
...For the Petitioner.**

**Mr. Tapas Kr. Bhattacharya,
Mr. Gopal Ch. Ghosh,
Mr. Aviroop Bhattacharya,
...For the Respondent
No.4.**

**Ms. Ankita Das Chakraborty,
Ms. Pampa Dey.
...For the Respondent
No. 8.**

It appears that the petitioner approached this Court by filing an earlier writ petition being WPA 8579 of 2020 with CAN 1 of 2020 (Faroz Ali Shaikh –vs- The State of West Bengal & Ors.). In the said writ petition the Court passed an order on 20th October, 2020 whereby the Board of Administrators, Katwa Municipality was directed to hold a hearing on October 21, 2020 and a reasoned order was directed to be passed and communicated to all the parties.

The petitioner has annexed an order dated 21st October, 2020 which was issued by the Chairperson of the Board of Administrators of the Katwa Municipality allegedly in compliance of the order which was passed by the Court on 20th October, 2020. It appears

therefrom that the order dated 21st October, 2020 is an absolutely unreasoned and cryptic one. No reason whatsoever has been mentioned in the said order as to why the decision was taken by the authority to hand over the ferry ghat of the successful bidder. The said order does not comply the test of reasonableness.

The learned advocate appearing for the Municipality submits that though there is a detailed order with reasons and the order which is impugned in the instant writ petition is a mere communication of the detailed order.

The aforesaid submission of the learned advocate of the Municipality does not appear to be correct one, borne out from the records.

The order impugned in the instant writ petition does not mention that the same is a communication which will be followed by the detailed reasoning. The impugned order that has been annexed at page 53 of the writ petition has been passed, certainly, without complying with the direction which was passed by the Court on 20th October, 2020.

In view of the above, the order dated 20th October, 2020 is liable to be set aside and is accordingly set aside.

The Board of Administrators of the Katwa Municipality is directed to comply with the direction passed by the Court on 20th October, 2020 immediately.

In the presence of all the parties, the date of hearing is fixed on 29th January, 2020 at 1 P.M.

The Board of Administrators shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

There is no requirement for service of further notice upon the parties, as all the parties are represented in Court today and the date of hearing has been fixed in their presence, after obtaining their consent.

W.P.A. 9817 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)