

28.02.2022
Court No.13
Item No.23
sp

WPA 3363 of 2022

Ratna Das

Vs.

The State of West Bengal & Ors.

(Through Video Conference)

Mr. Probal Kr. Mukherjee,
Mr. Suhrid Sur

... for the petitioner.

Mr. Samrat Sen, ld. A.A.A.G,
Mr. Nilotpal Chatterjee

...for the State

Mr. Jaydip Kar, ld. Sr. Adv.,
Mr. Debdeep Sinha,
Mr. Subhasis Sarkar,
Mr. Tanjir Ali

...for the respondent nos. 2 to 7

The writ petitioner is aggrieved by an order dated February 2, 2022 passed by the Managing Director, West Bengal Small Industries Development Corporation Limited. By the impugned order, the Managing Director, had complied with the order dated December 9, 2021 passed by this Court in WPA 14360 of 2009 (Ratna Das vs. The State of West Bengal and others).

It also appears from the said order (supra) that the parties were at liberty to arrive at any compromise and/or settlement.

The petitioner submits before this Court that after pressing the said order dated February 2, 2022, a communication was addressed to the Managing Director, submitting that they were ready to enter into the settlement and terms were sought. There is no reply to

the said letter and hence according to the petitioner, the order of this Court was not complied with. It is also submitted that since the petitioner is ready and willing to settle, the respondents are obliged to at least offer terms of settlement.

This Court notes without hesitation that the writ is speculative.

The petitioner was citing a notice of presumption from the year 2009 by the said order (*supra*), this Court granted breathing space to the petitioner to prevail upon the authorities to indicate that she had not violated the terms of the lease. The order clearly demonstrates that there is violation of the lease and no manufacturing activity whatsoever had commenced at the said site, thereby entitling the Corporation to resume possession.

Mr. Mukherjee, learned counsel appearing for the petitioner has referred to certain documents that indicate that there was in fact manufacturing activity. This Court cannot enter into the same as it would amount to testing the disputed questions of facts arising out of the impugned order, which the writ Court cannot do. The order has been passed after compliance with the principle of natural justice and this Court sees no perversity therein. If the petitioner was indeed serious about entering into a settlement, the terms for the same would have been mentioned by her, either prior to or along with her representation, which has not been done. The offer being sought from the respondents and that too after

losing out against the order of presumption, is nothing but a speculation.

In those circumstances, this Court is of the unequivocal view that the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)