

06.05.2022
rc/ct.no.10
Item No.08

WPA No. 4813 of 2022
Nishatullah Khan & Ors.
Versus
Union of India & Ors.

Mr. Goutam Kumar Das	
Mr. Dianjan Datta	
Mr. Atanu Basu	
Mr. Sayan Datta	...for the petitioners
Mr. Susovan Sengupta	
Mr. Subir Pal	for the State
Mr. Dhiaj Trivedi, Ld. AASG	
Mrs. Indrani Chakraborty	for the UOI
Mr. Aloke Kr. Ghosh	
Mr. A. Dey	for the KMC

At the very outset Mr. Dhiraj Trivedi, learned counsel appearing on behalf of the Union of India draws the attention of this Court to the order dated 21.04.2022 and submits that although Mrs. Indrani Chakraborty, learned counsel assisted him in this matter on that day, her name was not recorded in the order dated 21.04.2022.

In view of the above, the name of Mrs. Indrani Chakraborty, learned counsel, be recorded in the order dated 21.04.2022 on behalf of the Union of India.

Let such correction be made in the order dated 21.04.2022.

The Department is directed to make the correction accordingly.

Though several prayers have been made by the writ petitioners in the writ petition, learned counsel appearing on behalf of the petitioners prays for a direction upon the concerned authority to dispose of the application filed by the petitioners before the authority under Section 18 of The Enemy Property Act, 1968 (hereinafter referred to as the “said Act”) within a stipulated time frame.

Learned counsels appearing for the respondents submit that the concerned authority may be directed to consider the application in accordance with law.

Having considered the submissions made by the learned counsels appearing on behalf of the parties, the writ petition is disposed of directing the respondent no. 3 to consider and dispose of the application submitted by the petitioners under Section 18 of the said Act 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, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that I have not gone into the merits of this case and the petitioners shall be at liberty to place their contention as made out in the writ petition before the authority at the time of hearing.

With the above observations and directions this writ petition being WPA No. 4813 of 2022 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)