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**W.P.A. 6986 of 2022**  
**(NEEB SSD vs. State of West Bengal & Ors.)**

**Mr. Sunny Nandy**  
**Mr. Subha Pathak**  
**.... For the Petitioner**

**Mr. Chandi Charan De**  
**Mr. Anirban Sarkar**  
**..... For the State**

The order passed by the District Magistrate, Malda on 30<sup>th</sup> March, 2022 is under challenge in this writ petition.

It is submitted on behalf of the writ petitioner that 30<sup>th</sup> March, 2022 was declared as State Government holiday vide Notification (Corrigendum) issued on 25<sup>th</sup> March, 2022 and the authority could not have dealt with the representation on the said date. Admittedly the petitioner appeared before the authority on that date but did not carry any document in support of its contention on the impression that hearing would not be conducted on a declared holiday.

Learned counsel for the petitioner submits that the petitioner may be given an

opportunity to place all the relevant documents before the authority for reconsideration.

It is submitted on behalf of the State respondents that the prayer of the petitioner was rejected on two fold grounds:-

- i) The petitioner failed to submit any document to prove that the society is engaged in pisciculture despite request made by the authority; and
- ii) It was found from the report submitted by the Block Development Officer, Ratua-I that there was no existence of functional Fishery Self-help Groups in Ratua-I Block.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the petitioner may be granted opportunity to place all documents in support of its contention before the authority and the authority may be directed to reconsider the representation of the petitioner afresh.

Accordingly, the order passed by the District Magistrate, Malda on 30<sup>th</sup> March, 2022 is set aside/quashed.

Liberty is granted to the petitioner to appear before the authority with all the

relevant documents in support of its contention and the authority, being the 2<sup>nd</sup> respondent herein is directed to reconsider the representation of the petitioner upon affording an opportunity of hearing to the petitioner and taking into account the documents furnished by it before the authority, in accordance with law. The entire exercise should be completed within one month from the date of communication of this order.

W.P.A. 6986 of 2022 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**