

01.04.2022
SL No. 19
Court No. 22
Sk & Ali

WPA 10405 of 2009

Jayanta Bhattacharjee

Vs

State of West Bengal & Ors.

Mr. Chinmay Pal, Advocate

Mr. Archan Dutta

.....for the petitioner

Mr. Suman Sengupta, Advocate

Mr. Saikat Chatterjee

.....for the State

Mr. Suman Sengupta, learned advocate
appears for the respondent No. 1.

Affidavit of service filed in Court today is
taken on record.

The writ petition appeared previously on
several occasions when necessary directions were
made.

Today even none appears for the
respondents nor any accommodation has been
sought for.

The writ petitioner claims to be in
occupation and possession of Flat No. 16, Block-
L/1, Tangra L.I.G. Housing Estate situated at
40/1, Tangra Road, Kolkata-700 015 (for short,
the said flat).

The original tenant in respect of the said flat was one Smt. Nipa Das who is claimed to be the aunt of the petitioner. The petitioner claims to be residing at the said flat since January, 1999 with the said original tenant. In or about December, 1999 the original tenant left the flat and went to her matrimonial home and since then the petitioner is residing thereat.

The petitioner contends that, by virtue of an office order bearing No. 1613-E-D dated March, 5 2001 read with an office order bearing No. 2360 dated April 10, 2001, the occupation of the petitioner is entitled to become regularized in respect of the said flat.

By a letter dated September 18, 2002 the petitioner made a representation before the second respondent for regularization of his occupancy in respect of the said flat.

It is submitted that, such representation still is lying idle and has not yet been considered by the second respondent.

In view of the above, the justice will be subserved, if the said representation of the petitioner dated September 18, 2002 is directed to be considered by the second respondent within a time frame.

The second respondent must consider the representation of the writ petitioner dated September 18, 2002 being annexure P-3 to the said writ petition in accordance with law after giving an opportunity of hearing to the petitioner or his authorized representative and then to come to a logical conclusion with a reasoned order and further shall communicate the said reasoned order to the petitioner.

The entire aforesaid exercise must be carried out by the second respondent within a period of six weeks from the date of communication of this order.

In course of such hearing the petitioner and the second respondent may rely upon a copy of this writ petition with all its annexures filed before this Court, if necessary.

On the above terms, the writ petition **WP No. 10405 (W) of 2009** stands disposed of.

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

(Aniruddha Roy, J.)