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19.09.2022
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W.P.A. 19374 of 2022
(Abhrarag Sarkar vs. State of West Bengal & Ors.)

Mr. Shibaji Kr. Das
Ms. Rupsa Sreemani
.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
.... For the State

Written instruction submitted by the respondents
is taken on record.

It is submitted on behalf of the petitioner that
despite direction of this Court given vide order dated
30th August, 2022 the concerned authority has not
considered the representations submitted by the
petitioner and his wife and has instead, issued a show
cause notice for eviction of the petitioner.

It is submitted on behalf of the respondents that
by a notice issued on 11th April, 2022, Smt Jhuma
Sarkar, wife of the petitioner was directed to submit
certain documents before the authority for
consideration of the representations. The said notice

was not complied with by Smt Sarkar as appears from Annexure P/17 to the writ petition.

Learned counsel for the petitioner submits that the documents called for by the authority shall be submitted by the wife of the petitioner within seven days from date in compliance with the notice dated 11th April, 2022.

In view of the above, this Court is inclined to hold that since representations submitted by the petitioner and his wife are pending before the authority, such representations are directed to be considered and disposed of by the authority within one month from the date of communication of this order after affording reasonable opportunity of hearing to the petitioner and his wife in accordance with the rules laid down by the authority.

Pending disposal of the said representations, notices issued by the authority on 8th November, 2021 and 6th July, 2022 shall not be given effect to by the authority.

With the above observations and directions W.P.A. 19374 of 2022 is 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.)