

WPA 20595 of 2021

Gita Rani Halder & Ors.
Vs.
State of W.B. & Ors.

Mr. Durga Prasad Dutta
Mr. Souvik Sen ...for the petitioners.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

Heard learned counsels for the parties.

It is not in dispute that in terms of the notification being No.2126(80)-LL/N/1R-49-2012 dated 29th April, 2013 (annexure P-3 to the writ petition), the District Magistrate has been authorised to assess the rent of a premises hired by the government from any private individual for any public purpose. Annexure P-5 to the writ petition demonstrates that such assessment was made by the District Magistrate, Purulia on 5th December, 2017.

Learned counsel appearing for the petitioners submits that despite such assessment, no rent has been paid to the petitioners in accordance with the same.

Learned counsel for the petitioners is aggrieved by a fresh assessment made by the authority on 21st January, 2022 which is not in tune with the assessment made by the District Magistrate earlier.

The petitioners submitted a representation ventilating their grievance before the 4th respondent on 10th January, 2022 which is yet to be disposed of.

The petitioners pray for a direction upon the 4th respondent to consider the said representation in terms of the notification dated 29th April, 2013 as well as the order of the District Magistrate dated 5th December, 2017.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated 10th January, 2022 within two months from the date of communication of this order in terms of the notification dated 29th April, 2013 and the order of the District Magistrate, Purulia dated 5th December, 2017, 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 petitioners within a week thereafter.

In the meantime, the 4th respondent is directed to release the admitted amount of rent amounting to Rs.8,95,292/- at the earliest and the petitioners are at liberty to receive the said amount without prejudice to their rights and contentions.

With the above observations and directions this writ petition being WPA 20595 of 2021 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)