

WPA 21203 OF 2022

Md. Hasanuzzaman

Vs.

State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak

.... For the Petitioners

Mr. Anit Kumar Das
Ms. Rupsa Chakraborty.

.... For the Respondent
No.4

Mr. Dipankar Saha

... For the Respondent
No.5

Mr. Anil Kr. Gupta

... For the Respondent
No.6

This writ petition assails the impugned order dated August 1, 2022 passed by the respondent no.2, ***Annexure-P9*** to the writ petition. This impugned order was passed pursuant to a direction made by a coordinate Bench on February 5, 2019 in ***WP 22564 (W) of 2018***.

Mr. Ekramul Bari, learned counsel appearing for the petitioner on September 16, 2022 submitted that the said impugned order was passed without serving any notice upon the petitioner and as a result the petitioner could not participate in the hearing in terms of the direction of the coordinate Bench.

The order dated September 16, 2022 speaks for itself.

Today in course of the hearing Mr. Sk. Md. Galib, learned State counsel has placed before this Court a communication dated September 19, 2022 received from his client. He, in his usual fairness, submitted that there was no notice served upon the petitioner before passing the said impugned order for granting an opportunity of hearing to the petitioner to take part in the hearing.

Mr. Anit Kumar Das, learned counsel appears for the respondent no.4.

In view of the above and considering the materials on record, the impugned order dated August 1, 2022, **Annexure-P9** to the writ petition stands set aside and quashed. Any consequential step or steps taken in terms of the said reasoned order also stands/stand set aside and quashed.

In the premises the respondent no.2 shall revisit the issue pursuant to the earlier direction dated February 5, 2019 passed in **WP 22564 (W) of 2018** appearing at page 38 of the writ petition and shall complete the entire exercise within a period of eight weeks from the date of communication of this order and shall pass his reasoned decision/order thereupon in strict compliance of the said order dated February 5, 2019.

The respondent no.2 then shall communicate his reasoned decision/order to the petitioner within a further period of two weeks from the date of the said reasoned decision/order to be passed.

The written instruction dated September 19, 2022 submitted by the learned State counsel is taken on record.

Since affidavits are not called for, the allegations in the writ petition are deemed not to be admitted by the respondents.

On the above terms this writ petition, **WPA 21203 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)