

19.12.2022  
Ct. 5  
D/L 11  
ab

**WPA 26935 of 2022**

**Partha Sarathi Mazumdar & Anr.**

**-Vs-**

**The State of West Bengal & Ors.**

Mr. Tilak Bose,  
Ms. Vineeta Meharia,  
Mr. Pushan Kar,  
Mr. Sagnik Majumder,  
Ms. Shalmoli Ghosh

... for the petitioners

Mr. Nilotpall Chatterjee,  
Mr. Anupam Das Adhikari

... for the State

The petitioners are aggrieved by a Notice dated 12<sup>th</sup> February, 2021 issued by the respondent no. 2, namely, the Additional Secretary, Government of West Bengal, Housing Department (P&W). The petitioners claim to have purchased a property from one of the proforma respondents on 12<sup>th</sup> March, 2020. The transaction between the petitioners and the proforma respondents has, however, not been mentioned in the impugned Notice at all.

On the other hand, the respondent no. 2 has directed the proforma respondents, being the sons of the original lessee who died on 21<sup>st</sup> December, 2009, to hand up possession of the said property to the State

respondents under the provisions of The West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962.

The petitioners are also aggrieved by inconclusive hearings given by the respondent no. 2 which were continuing from 14<sup>th</sup> July, 2021 till June, 2022. The request of the petitioners for further hearing was declined.

This Court is prima facie of the view that the petitioners have a case. The petitioners had moved the Writ Court earlier and the writ petition being *WPA 6246 of 2021* was disposed of by an order dated 11<sup>th</sup> March, 2021 by directing the respondents to give a hearing to the petitioners in respect of the communication dated 12<sup>th</sup> February, 2021. The dispute cannot be made to linger beyond the reasonable period of time.

WPA 26935 of 2022 is accordingly disposed of with a direction on the respondent no. 2 being the Additional Secretary, Government of West Bengal, Housing Department (P&W), to conclude the hearing by 13<sup>th</sup> January, 2023 and pass a reasoned order upon giving sufficient opportunity to the petitioners and any other interested parties to present their respective cases. A copy of the reasoned order shall be made available to the petitioners within a week from the date of passing of the order.

It is made clear that the respondents shall not take any steps for recovery of the possession of the property/premises until a fortnight after the petitioners are served with the order passed by the respondent no. 2.

Since affidavits have not been called for, the allegations made in the writ petition are deemed not to have been admitted.

**( Moushumi Bhattacharya, J.)**