

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

June 06, 2022
ARDR
(38)

WPA 899 of 2022

Ajit Kumar Agarwala
Vs.
The State of West Bengal & Ors.

Mr. Joyjit Chowdhury,
Mr. Ajay Singhal,
Mr. Sitesh Kumar Gupta,
Mr. S. Chowdhury,

...for the petitioner.

Mr. Hirak Barman,
Mr. Momenur Rahman,

...for the State.

Affidavit of service and the supplementary
affidavit filed by the petitioner are taken on record.

In terms of the supplementary affidavit, L.R. plot
no. 63 stated in the representation dated 6th April,
2022 (Annexure P/4 to the writ petition) be read as
L.R. plot no. 61 (R.S. 50). Also, “Savitri Stationery”
stated in the said representation be read as “SARITA
STATIONERY”.

The innocuous prayer of the petitioner is for
consideration of his representation submitted before
the District Magistrate and Collector, Darjeeling on 6th
April, 2022.

The contention of the petitioner, in brief, is that
the petitioner is a lessee in respect of the tea estate in
question and was permitted by the State respondents
to explore the possibility of tea tourism therein. Due to

unauthorized occupation of some portions of the said plot, the petitioner has not been able to explore the said possibility till date despite payment of lease rent and *salami*.

The petitioner submitted a representation before the concerned authority with a request to initiate proceedings under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 against the alleged encroachers. The petitioner complains that the representation has not been considered by the authority as yet.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that the concerned authority may be directed to consider the representation submitted by the petitioner after granting reasonable opportunity of hearing to the interested parties within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation dated 6th April, 2022 within one month from the date of communication of this order after granting reasonable opportunity of hearing to the interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merit of the case and the petitioner shall be at liberty to put forward his contentions as made out in the writ petition before the concerned authority at the time of hearing.

With the above directions, WPA 899 of 2022 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.)