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26.07.2022
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 1953 of 2022

**Sajal Ghosh
-versus
The State of West Bengal & Ors.**

**Ms. Matan Chakraborty.
...For the Petitioner.**

**Mr. Jahar Datta,
Mr. Bipin Ghosh.
...For the State.**

The matter relates to the Circuit Bench at Jalpaiguri. The same is listed for consideration citing urgency.

The grievance of the petitioner is that even though he was an existing stall owner of the Suresh Dey Smriti Market (S.D. Market), Dhupguri, he is not being allotted the shop room in the newly constructed premises after demolition of the existing structure.

It has been submitted that the other stall owners have been handed over the keys of their stalls but the keys of the stall of the petitioner has not been handed over for the reasons not disclosed to the petitioner.

The petitioner filed a representation before the Additional District Magistrate and the Additional Executive Officer of the Jalpaiguri Zilla Parishad on 4th

July, 2022 followed by legal representation on 11th July, 2022.

The petitioner alleges that none of the representations have been taken up for consideration till date.

The affidavit-of-service filed in Court does not contain the track report showing service of the writ petition upon the Zilla Parishad.

In view of the order that I propose to pass, none of the parties will be prejudiced if the writ petition is disposed of in the following manner.

The Executive Officer of the Jalpaiguri Zilla Parishad is directed to consider the representation that has been filed by the petitioner on 4th July, 2022 followed by the legal representation dated 11th July, 2022 strictly in accordance with law, after giving a reasonable opportunity of hearing to the petitioner at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

If it appears to the aforesaid respondent that the petitioner is not entitled to receive the key of the stall, the reason for non-entitlement be clearly indicated in the reasoned order.

In the event the aforesaid respondent is of the opinion that the petitioner is entitled to the keys, the

same shall be handed over to the petitioner immediately after taking a decision in the matter.

Learned advocate for the petitioner is directed to forward a copy of the representations dated 4th July, 2022 and 11th July, 2022 along with other supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)