

WPA 1978 of 2023

Soumitra Naskar & Ors.

Vs.

The State of W.B. & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar ...for the petitioners.

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

Heard learned counsels for the parties.

The petitioners have assailed the order passed by the Additional District Magistrate (LA), North 24 Parganas, Barasat in compliance of order passed by this Court on 13th May, 2022 in WPA 21382 of 2021, directing the concerned authority to dispose of the representation submitted by the petitioners before him within a stipulated time frame.

The order impugned demonstrates that on the date of hearing, the petitioners sought adjournment which was turned down by the authority on the ground that six adjournments were sought by the petitioners previously which were allowed. The order was passed in the absence of the petitioners.

In view of the above, without going into the merits of the case, this Court is inclined to hold that since the petitioners were deprived of an opportunity of hearing before the authority when the order impugned was passed,

such liberty be granted to the petitioners by the authority in disposing of the representation pending before him.

Accordingly, the writ petition is disposed of directing the 3rd respondent to extend an opportunity of hearing to the petitioners and consider the submission made by them before passing a final order. If the petitioners fail to be represented on the date fixed for hearing, the order impugned shall attain finality.

The entire exercise is expected to be completed within one month from the date of communication of this order.

With the above observations and directions the writ petition being WPA 1978 of 2023 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.)