

1.6.2023
18
Ct. no. 7
sb

WPA 12898 of 2023

Ranjit Saha
Vs.
State of West Bengal & Ors.

Mr. Sudip Deb
Ms. Ipsita Ghosh ...for the petitioner

Mr. Jahar Dutta
Mr. Arun Kr. Saha ...for the State

Affidavit of service filed in court today is taken on record.

The order impugned allegedly dated March 10, 2023 but was signed on December 22, 2022 as would be evident from **Annexure P/8 at Page 53 to the writ petition**. On the face of it, the said order is devoid of any reason and cryptic in nature. It is settled that even a statutory authority be required to give its reason while taking its decision.

In view of above, the said order impugned allegedly dated March 10, 2023, allegedly signed on December 22, 2022, **Annexure P/8 at page 53 to the writ petition** stands set aside and quashed.

To sub-serve justice, the respondent no. 2 and/or 3 and/or the appropriate authority under the statute shall revisit the issue on the basis of the representation of the petitioner dated February 14, 2023 at page 48 to the writ

petition upon giving at least 7 days hearing notice to the petitioner and after giving him an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The appropriate authority, as directed above, shall carry out and complete the entire exercise positively within a period of six weeks from the date of communication of the order and shall communicate the reasoned order to the petitioner within a period of two weeks from the date of such reasoned order to be passed.

While deciding the issue, the appropriate authority shall take cognizance of the existing materials on file and shall pass a reasoned order as directed above. It is made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive his claim strictly in accordance with law.

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

After the reasoned decision is communicated to the petitioner by the appropriate authority, the petitioner shall communicate the same to the jurisdictional police station immediately and positively within two days from the date of communication received by the petitioner.

In the meantime, till the reasoned decision is communicated to the local police authority, the local

police authority shall ensure the peace and tranquility at the locale where the liquor shop is situated.

On the above terms, this writ petition being WPA 12898 of 2023 stands disposed of without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Aniruddha Roy, J.)