

1.6.2023
22
Ct. no. 7
sb

WPA 12902 of 2023

**Khama Lauha @ Khama Louha
Vs.
State of West Bengal & Ors.**

Mr. P.S. Deb Barman ...for the petitioner

Mr. R.N. Dutta
Mr. Arun Kr. Saha ...for the State respondents

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

The order impugned in this writ petition is the order dated May 26, 2023 **Annexure P/8 at Page 29 to the writ petition**. On a plain reading of the order, it appears to the court that the same is devoid of any reason and cryptic in nature.

The petitioner claims to be a licensee and running a shop at R.G. Kar Medical college premises. This is a State premises. To cut short the issue, the relevant facts are only mentioned in this order.

Some alleged violations of the licence agreement and/or the prevailing rules were pointed out to the petitioner by the relevant medical college authority by its communication dated April 29, 2023, **Annexure P/4 at Page 25 to the Writ Petition**. The petitioner by his letter dated May 15, 2023 at Page 26 to the writ petition, had explained its position. Then the impugned order dated

May 26, 2023 was passed, requesting the petitioner to close its shop room.

Mr. R.N.Dutta, learned advocate appears for the respondent nos. 1 to 4.

Considering the submissions made on behalf of the parties and considering the materials on record, it appears to this court that the impugned order is devoid of any reason whatsoever dated May 26, 2023 (**Annexure P/5 at Page 29 to the writ petition**) stands set aside and quashed.

The respondent no. 3 shall decide the issue in the light of the documents being Annexure P/4 at page 25 and 26 to the writ petition by passing a reasoned order in accordance with law. Respondent no. 3 shall issue a notice for hearing of least 7 days to the petitioner and after giving him an opportunity of hearing shall pass his reasoned order. The entire exercise as directed above, shall be carried out by the respondent no. 3 positively within a period of two weeks from the date of communication of the order. The respondent no. 3 then shall communicate the reasoned order to the petitioner within a period of one week from the date of such reasoned order to be passed.

It is made clear that this court has not gone into the merits of the case in any manner whatsoever and the petitioner will be at liberty to urge whatever points he

wishes to urge by relying upon whatever documents, he wishes to rely upon before the respondent no. 3.

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.

It is needless to mention that the respondent no. 3 and/or R.G. Medical College Authority shall take all steps strictly in accordance with law.

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

On the above terms, this writ petition being WPA 12902 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.)