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01.12.2023
Ct. No.10
b.das

WPA 15176 of 2023

Sachindra Nath Das
Vs.
The State of W.B. & Ors.

Mr. N. I. Khan	
Mr. Amlan Kr. Mukherjee	...for the petitioner.
Mr. Amal Kr. Sen	
Mr. Jaladhi Das	...for the State.
Mr. D. K. Samanta	
Mr. B. Samanta	
Ms. Tithi Paul	...for the private respondent.

Heard learned counsels for the parties.

The petitioner seeks consideration of his representation submitted before the concerned authority on 14th June, 2023.

Learned counsel for the petitioner submits that the private respondent has obtained a permit from the authority by placing forged documents and practising fraud upon the authority. He seeks cancellation of the permit.

It appears that criminal cases are pending by and between the petitioner and the private respondent on the ground of breach of trust, cheating etc.

Learned counsel for the private respondent submits that the permit was granted in 2012 and the inordinate delay in filing the writ petition has not been explained.

In explaining the said delay, learned counsel for the petitioner has placed reliance on a judgment passed by an

Hon'ble Division Bench of this Court in MAT 496 of 2018 passed on 8th June, 2018 wherein the Court held as follows:-

“Since the issue involves alleged illegal issuance of permit, we do not think, the question of limitation is very important here. This is so, because an illegal permit continues to remain an illegal permit and no amount of passage of time can cure this illegality.”

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the petitioner has alleged fraud being practised upon the authority by the private respondent, the delay in filing the writ petition is irrelevant.

The writ petition is accordingly disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 14th June, 2023 within eight weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent/her authorised representative, in accordance with law.

The 5th respondent is at liberty to call for all relevant documents in custody of the authorities in West Bengal as well as outside, if required, for effective adjudication of the representation.

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

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to

deal with the representation on merits independently and without being influenced by any observation that may have been made in this order.

With the above observations and directions the writ petition being WPA 15176 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.)