

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 15445 of 2023

**Messers Hindustan Auto Distributors
Vs.
The State of West Bengal & Ors.**

Mr. Shaktinath Mukherjee, Sr. Adv.
Mr. Sabyasachi Banerjee
Mr. Vivekananda Bose
Ms. Joey Chatterjee
Mr. Soumyadeb Sinha
Mr. Abhishek Roy
..for the petitioner

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
Mr. Anirban Sarkar
..for the State

Item No.01

Heard & Judgment on: 03.08.2023

Bibek Chaudhuri, J.

A proceeding under the Urban Ceiling Act was initiated against the petitioner. In the said proceeding the respondent authority came to a finding that the petitioner is holding excess land

above the limit as prescribed under the Urban Land Ceiling Act. Against the said order the petitioner preferred an appeal before the Appellate Authority being Case No. APC-1 of 2012. The Appellate Authority passed an order on 4th July, 2014 directing the competent authority to re-examine the case and submit a report whatsoever within a fortnight from the date of the said order. Accordingly, an inquiry was held in presence of the competent authority and other officers of the State Government and on inquiry it is found that the petitioner is holding land below the ceiling limit.

Therefore, it is contended on behalf of the petitioner that no portion of the land of the petitioner can be acquired under the Urban Land Ceiling Act.

However, the above mentioned appeal is still pending before the Appellate Authority, respondent No.3 herein.

The learned senior counsel on behalf of the petitioner submits that the instant writ petition has been filed only for a direction upon the Appellate Authority to dispose of the appeal expeditiously.

A report has been filed on behalf of the State Respondents. The report contains an instruction to the learned advocate on behalf of the State by the Additional Secretary to the Government of West Bengal, Urban Development and Municipal Affairs Department instructing, inter alia, that the matter may be revisited considering

all reports submitted by the competent authority, Kolkata from time to time available material facts and making fresh inquiry by the Appellate Authority as per extent statutory provisions of law, Government Notifications, orders etc. after giving an opportunity of hearing to the petitioner and all stake holders.

The learned senior counsel on behalf of the petitioner rightly contends that when on the basis of the order dated 4th July, 2014 an inquiry was held only on 6th February, 2023 after a lapse of 9 years the said inquiry report being the latest report on the issue should be considered and an order should be passed by the Appellate Authority.

The learned Additional Government Pleader submits that the State has no objection if the appeal may be decided considering all pending reports.

Having heard the learned counsels for the parties this Court is of the view that while making inquiry into the matter in respect of Premises No.12B Russel Street, Kolkata – 700 016 the Inquiry Authority must have all pending reports and orders in this regard along with the direction of the Appellate Authority dated 4th July, 2014 and considering all such documents the last report was prepared. Therefore, the Appellate Authority shall dispose of the matter on the basis of the inquiry report annexed with the instant

writ petition at pages 218-223 dated 21st February, 2023. The Appellate Authority is further directed to pass final order in the aforesaid appeal within 45 days from the date of communication of this order.

The parties are at liberty to act on the server copy of this order.

The instant writ petition is, accordingly, **disposed of** with the above order.

There shall be, however, no order as to costs.

(Bibek Chaudhuri, J.)