

WPA 21130 of 2017

Kalyani Chemicals and Pharmaceuticals Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Baidurya Ghosal
Ms. Aatreyee dutta ...for the petitioners.

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the petitioners were allotted the land in question for establishing an industrial unit for manufacturing chemical drug and other pharmaceutical drugs under the name and style of Kalyani Chemicals and Pharmaceuticals Pvt. Ltd. by virtue to deed of lease executed on 21st January, 1981 for a period of 999 years with effect from 19th August, 1980. Due to difficulty in getting clearance certificate from the Pollution Control Board for setting up the industrial unit as well as labour problem at the material point of time, the petitioners were unable to establish the pharmaceutical unit and proceeded to set up a rice milling industry and thereafter a saline water project which could not be started since a no objection was not issued in their favour by the authority.

The respondents issued notices upon the petitioners directing them to show cause as to why the land allotted to

them would not be resumed upon cancellation of the deed for non-utilization of the land for a long time.

The petitioners replied to the show cause notices despite which the authority terminated the lease agreement unilaterally without extending an opportunity of hearing to the petitioners.

The petitioners filed a writ petition challenging the said order of termination, being WP 358 (W) of 2010. By an order passed on 15th January, 2010, a co-ordinate Bench of this Court granted an interim order of status quo upon the respondents therein with regard to the plot in question.

The petitioners approached the authority for permission to set up the pharmaceutical factory but was informed that the same could not be granted due to pendency of the writ petition. In view thereof, the writ petition was dismissed for non-prosecution by an order passed on 22nd December, 2016 at the instance of the petitioners. Following the said order, the petitioners received a communication from the Estate Manager, Kalyani Urban Development Department, Government of West Bengal on 18th May, 2017 which said that since the writ petition was no longer in force, the said of resumption dated 1st September, 2009 came into effect and the government would re-enter into the plot in terms of the said letter.

The petitioners submitted a representation before the concerned authority on 19th May, 2017 seeking re-

consideration of the letter issued on 18th May, 2017, which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation submitted by them for reconsideration of the issue.

It is submitted on behalf of the State respondents that the 4th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated 19th May, 2017 within one month from the date of communication of this order, upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

Pending disposal of the representation, no coercive action be taken by the respondents against the petitioners in respect of the deed as well as the plot in question.

With the above observations and directions the writ petition being WPA 21130 of 2017 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.)