

10.04.2024
rc/ct.no.10
Item No.756

WPA No. 605 of 2024
Sri Anirban Saha
Versus
The State of West Bengal & Ors.

Mr. Souvik Das
Mr. Rudranil Das ...for the petitioner

Mr. Priyabrata Batabyal ...for the State

Mr. Bristi Choudhury
..for the respondent nos. 3 to 5

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

None appears on behalf of the State respondents despite service.

Mr. Priyobrata Batabyal, learned advocate, who usually appears on behalf of the State respondent and is present in Court today, is requested to represent the State respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the appointment of Mr. Batabyal in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. Batabyal in course of this day.

It is submitted on behalf of the petitioner that though the 5th respondent entered into an agreement with the petitioner for transfer of leasehold right in respect of the property in question in his favour upon obtaining prior

permission of the Government, the said respondent has sold out the property in favour of the respondent nos. 3 and 4 in contravention of the Government Grants Act. The petitioner submitted a representation before the concerned authority in this regard on November 21, 2023 seeking cancellation of the registered deed of conveyance executed by the 5th respondent in favour of the 3rd and 4th respondents which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner on November 21, 2023 within a period of six weeks from the date of communication of this order, upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

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

With the above observations and directions this writ petition is disposed of.

There shall however 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)