

March 11, 2024
ARDR (693)

WPA 1897 of 2024

Gouri Saha & ors.
Vs.
The State of West Bengal & ors.

Adv. Gangadhar Das,
Adv. Munmun Das,
Adv. Tanmoy Chattopadhyay,
...for the petitioners.
Adv. Tirthnkar Dhali,
Adv. Sandip Ray,
...for the respondent nos. 14 & 15.
Adv. Chandi Charan De,
Adv. Reshma Chatterjee,
...for the State.

Affidavit of service filed by the petitioners is taken
on record.

Heard learned counsels for the parties.

The petitioners have assailed the order passed by
the District Magistrate, Malda on 13th October, 2023 on
the ground that the District Magistrate has not taken
into consideration the contention of the petitioners made
in the notes of argument submitted by them before the
authority prior to the hearing.

On perusal of the order impugned, it appears that
it is cryptic and bereft of any reasoning. The District
Magistrate has upheld the order of the Sub-Divisional
Officer, Chanchal without assigning any reason therefor.
The written notes of argument submitted by the
petitioners before the authority has also not been taken
into consideration in the said order.

In view of the above, this Court is inclined to hold that the order impugned is liable to be set aside.

The writ petition is accordingly allowed.

The order passed by the District Magistrate on 13th October, 2023 is set aside.

The District Magistrate, Malda, being the 2nd respondent herein, is directed to revisit the issue and pass a reasoned and speaking order upon taking into consideration the written notes of argument submitted by the petitioners before the authority on 2nd November, 2023 and upon affording reasonable opportunity of hearing to the petitioners and the private respondents, in accordance with law.

The petitioners and the private respondents are at liberty to produce all relevant documents before the concerned authority in support of their respective claims at the time of hearing.

The entire exercise is directed to be completed within six weeks from the date of communication of this order.

Pending disposal of the appeal, no coercive step be taken against the petitioners by the authority in respect of the plot in question.

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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)