

18 15.04.2024
rkd Ct.15

W.P.A. 4899 of 2019

Sri Sachindranath Das

-vs-

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti,
Mr. Dolan Samanta

....for the petitioner.

Mr. S. M. Hassan,
Ms. Anupama Yasmin

....for the Haldia Municipality.

Ms. Rupsha Chakraborty,
Mr. D. Mukherjee

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

In spite of service of notice upon the
respondent nos.8 & 9 those respondents are not
represented today.

Subject matter of challenged is mutation in
connection with Stall No.69 at Durgachak New
Market (Durgachak Commercial Complex), Haldia.

Petitioner has questioned order dated 26th
September, 2018 passed by the Chairman, Haldia
Municipality in terms of the order of the coordinate
Bench dated 26th June, 2018 passed on a writ
petition being WPA 3776 of 2018. By order dated
26th September, 2018 the concerned authority of
Haldia Municipality decided to mutate said Stall
No.69 in favour of one Binapani Das being
respondent no.8 which triggered the present writ

petition.

It has been submitted on behalf of the petitioner that the said order dated 26th September, 2018 suffers from vice of non-application of mind. According to the petitioner in terms of the order dated 26th June, 2018 the concerned authority of Haldia Municipality is required to assign reasons in support of the decisions to be taken in mutation of said Stall No. 69.

State respondents and Haldia Municipality are represented by learned advocates.

Mr. Hassan, learned advocate has made submissions to defend the decision of the concerned authority of Haldia Municipality dated 26th September, 2018.

Having considered the facts and taking note of the order passed by the coordinate Bench on 26th June, 2018 passed on the writ petition being WPA 3776 of 2018 it appears that while taking decision the concerned authority of the Municipality is required to pass a reasoned order. Whereas on perusal of the order dated 26th September, 2018 it transpires that the same is devoid of reasons.

It is well settled that the Statutory Authority while taking decision is required to apply its mind and to disclose reasons in support of the

conclusion which is arrived at since the decision dated 26th September, 2018 pertains to mutation which has been passed in favour of the respondent no.8 ignoring the right of the petitioner.

Accordingly the order dated 26th September, 2018 stands set aside.

The concerned authority of Haldia Municipality is directed to revisit the issue afresh and pass a reasoned order after granting opportunity of hearing to the petitioner and private respondents or their representatives within a period of eight weeks from the date of communication of this order.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)