

Court No. 2
22.11.2024
(Item No. 27)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8443 of 2024

Surya Alloy Industries Ltd. & Anr.
VS
The State of West Bengal & Ors.

Mr. Jaydeep Kar
Mr. Tanoy Chakraborty
Mr. Kallol Saha
Mr. Akash Ghosh
Ms. Sweta Bhatta

.... For the petitioners

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

.... For the State

Mr. Suddhadeb Adka

.... For respondent Nos. 3 & 4

Two affidavits of service filed in Court today,
are taken on record.

Mr. Jaydeep Kar, learned senior counsel
appears for the petitioners.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for respondent Nos. 1
and 2.

Mr. Suddhadeb Adka, learned advocate
appears for respondent Nos. 3 and 4.

The petitioners state that, four plots of land
were obtained on lease by the petitioners from the
respondent No. 3 on the terms and conditions
mentioned in the respective lease deeds. The lease
deeds are annexed to this writ petition as **annexure P-
1** at **page 13** to the writ petition.

Mr. Kar, learned senior counsel referring to three State policies **dated January 17, 2023, annexure P-2 at page 79, July 10, 2023 at page 89** and **November 17, 2023 at page 84** to the writ petition submits that, by virtue of the said policies the State has agreed in principle to convert these leasehold lands into freehold lands in favour of the existing lessees. The first petitioner is the existing lessee in respect of all four plots of land.

The petitioners claimed before the respondent No. 3 for such conversion of the character of lands from lease holds to free holds. By the impugned order passed by the authority **annexure P-5 at page 103** to the writ petition it appears that the applications submitted by the petitioners were rejected without any reasons.

Hence, learned senior counsel prays for quashing of those impugned orders and considering all the case of the petitioners afresh by the respondent No. 4.

Drawing attention to the representation dated **February 20, 2024, annexure P-6 at page 104** to the writ petition, learned senior counsel submits that this is the post rejection representation submitted by the petitioners before the respondent No. 4 but the same is pending.

After considering the submissions made on behalf of the parties and upon scrutiny of the said impugned decision for rejection at **page 103** to the writ petition it appears to this Court that, there is no reason at all as to why the applications of the petitioners were rejected despite there being a State policy.

In view of the above, this impugned decision for rejection and/or the impugned rejection **annexure P-5** at **page 103** to the writ petition stands **set aside** and **quashed**.

The respondent No. 4 is directed upon issuing a prior hearing notice to the petitioners of at least seven days and after giving an opportunity of hearing to them to dispose of the representation of the petitioner dated **February 20, 2024, annexure P-6** at **page 104** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent No. 4 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners positively within a period of further **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners as to

whether those State policies will apply or not and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 4 but the same shall not travel beyond the scope of the said representation dated **February 20, 2024**.

It is needless to mention while deciding the issue the respondent No. 4 must consider the State policies and then pass its reasoned order.

It is made clear that, this order shall not create any right or equity in favour of the petitioners, if the petitioners do not succeed to their claims in the light of the said State policies before the respondent No. 4 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 8443 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)