

Court No. 2  
**03.10.2024**  
(Item No. 14)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 10300 of 2024**

Tarapada Pramanick  
VS  
The State of West Bengal & Ors.

Mr. Subir Sanyal  
Mr. Amal Krishna Samanta  
Mr. Arun Kumar Das  
Mr. Sourojit Mukherjee  
.... For the petitioner  
Mr. Soumitra Bandyopadhyay  
Mr. Priyabrata Batabyal  
.... For the State respondents

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

The petitioner claimed to be an allottee of a  
piece of land as and by way of rehabilitation since the  
land of the petitioner was acquired for construction of  
Haldia Petrochemical Project Complex. The petitioner  
is in possession of the said allotted land.

Drawing attention to a communication dated  
**September 8, 2023, annexure P-17** at **page 95** to  
the writ petition Mr. Subir Sanyal, learned counsel for  
the petitioner submits that, the authority has decided  
to resume this allotted land.

Mr. Priyabrata Batabyal, learned advocate led  
by Mr. Soumitra Bandyopadhyay, learned State  
counsel appears for respondent Nos. 1, 2, 5, 6 and 10.

The rest of the respondents are not  
represented, despite notice.

On a scrutiny of the said communication dated  
**September 8, 2023** through which the decision to

resume the allotted plot was communicated to the petitioner is cryptic and vague and no reason with supported materials have been ascribed thereto. The said communication dated **September 8, 2023**, in the considered view of this Court is not sustainable in law.

As, this Constitutional Court in exercise of its power under **Article 226 of the Constitution of India** has the authority to mold the relief to remove the illegality, if caused by the State authorities. Absence of reason goes at the root of the decision making process and vitiates the decision.

In view of the above, the said communication dated **September 8, 2023** and the decision for resumption communicated therein by the respondent No. 4 stands **set aside** and **quashed**.

To sub-serve justice, the petitioner shall serve a copy of this writ petition upon the respondent No. 3 forthwith. The respondent No. 3 then upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall decide the issue in the light of the case made out in this writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 3 positively within a period of **six weeks** from the date of communication of this order and the reasoned

order shall be communicated to the petitioner positively within a further period of **one week** 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 this writ petition and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent No. 3 but the same shall not travel beyond the scope of the case made out in this writ petition.

No coercive step shall be taken till **two weeks** after the said reasoned decision shall be passed by the respondent No. 3.

It is clarified that, after the said period of **two weeks**, depending upon the reasoned decision, the authority shall be free to take steps 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 **W.P.A. 10300 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.)**