

Court No. 2
13.11.2024
(Item No. 12)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 13298 of 2024

Ganesh Paints and Chemicals
VS
The State of West Bengal & Ors.

Mr. Susanta Kumar Rakshit
.... For the petitioner
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State
Mr. Sanjay Saha
.... For respondent No. 6

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

Mr. Susanta Kumar Rakshit, learned advocate appears for the petitioner.

Mr. Sanjay Saha, learned advocate appears for respondent No. 6.

Mr. Anirban Sarkar, learned advocate led by Mr. Chandi Charan De, learned Additional Government Pleader appears for respondent Nos. 1 to 5.

The petitioner is a lease holder for excavation of sand block prays for consideration of his case for issuing road challan. The petitioner submitted his representation dated **April 24, 2024, annexure P-7** at **page 34** to the writ petition but the same has not been considered.

In view of the above, the petitioner shall serve immediately a copy of the complete set of writ petition upon the respondent No. 5 along with a copy of today's order. Upon receiving a copy of the writ petition along with today's order the respondent No. 5 shall issue a prior notice of hearing of at least seven days to the petitioner and then after granting him an opportunity of hearing shall dispose of the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out completed by the respondent No. 5 positively within a period of **six weeks** from the date of communication of this order along with a copy of the writ petition. The reasoned order then 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 the claim of the petitioner and the petitioner shall be entitled to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent No. 5 but the same shall not travel beyond the scope of the representation dated **April 24, 2024** at **page 34** to the writ petition.

In the event, the reasoned order goes in favour of the petitioner, the respondent No. 5 and/or any

other appropriate State authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent No. 5 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 **W.P.A. 13298 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.)