

15.07.2024
Item No.25
Crt.No.02
b.r.

WPA 15373 of 2024

Abdul Khaleque Molla & Anr.
-vs-
The State of West Bengal & Ors.

Ms. Anita Kaunda
..... for the petitioners.

Mr. Chandi Charan Dey, Ld. A.G.P.
Mr. Anirban Sarkar
.... For the State.

Mr. Anita Kaunda, learned advocate, appears for the petitioners.

None appears for the respondents.

In view of the above, Mr. Chandi Charan Dey, learned Additional Government Pleader and Mr. Anirban Sarkar, learned State advocate present in Court, who normally appear in this type of matters are requested to appear in the matter, to hold the brief to assist this Court henceforth. Their appearance shall be regularised by the office of the learned Government Pleader forthwith.

Copy of the writ petition has been served upon the learned Additional Government Pleader in Court today.

The petitioners claim inclusion of their names in the relevant record of rights pursuant to a Civil Court decree dated **January 30, 1988** passed in **Title Suit Case No. 204 of 1980.**

Learned counsel for the petitioners submit that necessary application was submitted by the petitioners dated **June 9, 2023, annexure p-9 at page-71** to the writ petition but the same has not yet been considered.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the **respondent no.3** is directed to consider the said application dated **June 9, 2023** as referred to above after affording an opportunity of hearing to the petitioners either by themselves or through their duly authorized representatives and then 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. The respondent no.3 shall then communicate its reasoned order to the petitioners and/or other appropriate State Authorities, if necessary, positively within a further period of **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 in any manner. 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.3** but the same shall not travel

beyond the scope of the said application dated **June 9, 2023**.

In the event, the reasoned order goes in favour of the petitioners, the **respondent no.3** and/or any other appropriate State Authorities shall take all necessary and consequential steps to give effect to the said reasoned order immediately but positively within a further 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 petitioners, if the petitioners are not eligible to receive their claim **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 15373 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.)