

23.09.2024
Ct. No. 2
Sl. No. 24
tbsr

WPA 16760 of 2024

Md. Mukhtar Ansari
Vs.
The State of West Bengal & Ors.

Mr. Apurba Kumar Datta
....for the petitioner

Mr. Supratim Dhar
Mr. Nandadulal Bandyopadhyay
....for the State

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

Mr. Apurba Kumar Datta, learned counsel appears for the petitioner.

Mr. Supratim Dhar, learned State Counsel appears for the respondents.

The issue in the instant writ petition had already travelled before a Co-ordinate Bench in its writ jurisdiction in **WP No. 26106 (W) of 2018** when an order was passed on **January 21, 2019** by a Co-ordinate Bench at **page 36** to the writ petition.

Following the said direction of the Co-ordinate Bench, the Additional District Magistrate passed its reasoned order dated **February 28, 2019, Annexure P-10 at page 38** to the writ petition.

Following the same, a communication was issued dated **August 21, 2019, Annexure P-12 at page 44** to the writ petition to the petitioner.

Learned counsel for the petitioner referring to a representation dated **March 14, 2024** submitted through the learned counsel for the petitioner, **Annexure P-15 at page 54** to the writ petition submits that though the representation was submitted before the respondent no. 2, the same has not been considered.

In view of the above, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent no. 2 forthwith.

The respondent no. 2 then upon issuing a prior hearing notice to the petitioner and the respondent no. 8 after granting an opportunity of hearing to them shall dispose of the said representation dated **March 14, 2024 at page 54** 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. 2 within a period of **eight weeks** from the date of receiving a copy of the writ petition along with a copy of today's order from the petitioner.

The reasoned order shall be communicated to the petitioner and respondent no. 8 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 contentions of the petitioner and the petitioner shall be at liberty to urge whatever points they wish to urge by relying upon the necessary records and documents before the respondent no. 2.

The respondent no. 8 shall also produce all the relevant land records before the respondent no. 2 during hearing, which are on record.

If the reasoned order confirms the claim of the petitioner, then the respondent no. 8 and other appropriate authorities shall take all necessary and consequential steps in accordance with law.

The report dated July, 19, 2024 signed by the Additional District Magistrate on July 18, 2024 filed today in Court by the learned State counsel is taken on record.

This order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his 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 16760 of 2024** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)