

06.08.2024
SL No.13
Court No.24
Ali

WPA 17957 of 2024

**Moniruzzman Seikh
Versus
State of West Bengal & Ors.**

Mr.Lakshminath Bhattacharya
.....for the petitioner.

Mr. Ziaul Haque,
Mr. P. Ghosh
...for the respondent No. 8.

Mr. Swapan Kumar Datta,
Mr. dipankar Dasgupta
....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

The present petitioner is a co-sharer over plot No. 360 total measuring 17 decimal. The private respondent had applied for MR Dealer licence in pursuance to the Notification of the Sub-Divisional Controller Food and Supply, Alipore, Kolkata. The State respondents on the prayer of the private respondent issued LOI in favour of the private respondent. It is the case of the present petitioner that the private respondent had shown the proposed godown-cum-shop room over the plot No. 360 which is a joint property of petitioner, private respondent and other persons. The petitioner submits that he filed a Title Suit being No. 892 of 2024 before the Court of competent jurisdiction for declaration and injunction.

On the prayer of the petitioner, the learned Civil Judge concerned had passed an ad interim order of injunction in the form of status quo on 22nd May, 2024. On the strength of such interim order the petitioner made a representation before the Authority concerned so that the private respondent may not forcefully construct godown over the disputed plot. As the Authority concerned has not acted on the basis of the representation, instant writ has been preferred.

Learned counsel appearing on behalf of the private respondent submits that he is the owner of the plot No. 360 by virtue of a registered Deed of Gift. In such Deed of Gift the portion of the property in favour of private respondent has been categorically demarcated and separated. It is also the submission of the private respondent that a specific plan for godown has already been obtained by the private respondent and which was placed by the Authority concerned.

Private respondent further submits that the godown has already been constructed and all the formalities like inquiry etc. of the State have been concluded before initiation of the suit.

Learned counsel appearing on behalf of the State submits that on the basis of the objection raised by the present petitioner the State Authority

has already initiated one enquiry by forming a specific team thus the instant writ petition is not at all maintainable.

Learned counsel for the State further ascertains that all matters should be decided by hearing of the parties.

Having heard the submissions of the learned counsel also considering the Memo dated 24.06.2024 of the State respondent which was placed before this Court during the hearing it appears that an order of enquiry has already been initiated by the concerned Authority in response to the complaint made by the present petitioner.

Let the Authority to take the decision.

Thus, the instant writ petition is disposed of with a direction to the concerned Authority to dispose of the representation of the present petitioner after hearing both the petitioner and the private respondent.

The respondent No. 6 shall dispose of the representation by passing a reasoned order within eight weeks from the date of communication of this order and shall intimate the order to the parties within a fortnight thereafter.

Under the above observation, the writ petition being **WPA 17957 of 2024** is disposed of.

All connected applications, if any, stand disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)