

23.09.2024

Item No. 05

Crt.No.02

b.r.

WPA 20285 of 2023

Sk. Sadique Rahaman

-vs-

The State of West Bengal & Ors.

Mr. Arjun Roy Mukherjee

Ms. Debapriya Mitra

..... for the petitioner.

Mr. Anand Farmania

...for the State-respondents.

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

Ms. Debapriya Mitra, learned advocate led by Mr. Arjun Ray Mukherjee, learned counsel appear for the petitioner.

Mr. Anand Farmania, learned State advocate appears for the State-respondents.

The petitioner claims to be owner of a two storied building. Under the agreement dated **February 23, 2017 annexure p-2 at page-16** to the writ petition and another agreement of even date at **page-20** to the writ petition, the respondents are occupying the ground and first floor of the premises. The petitioner claims enhancement of rent at **Rs.12 per Sq. Ft.** Relying upon a circular **annexure p-6 at page-35** to the writ petition, the petitioner claims every three years the rent has to be revised by **20%**. The petitioner

made a representation dated **July 3, 2023, annexure p-4 at page-26** to the writ petition, the same has not been considered.

The respondents submit that they are agreeable to pay the rent at a rate at which they have last paid. But the petitioner has suddenly stopped accepting rent. A sum of **Rs.76,051/-** on account of arrear rent is lying has been paid by the respondent authority. The petitioner submits that they have accepted the said sum without prejudice to the rights and contentions.

In view of the above, the **respondent no.6** 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 representation dated **June 3, 2023, annexure p-4 at page-26** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed herein shall be carried out and completed by the **respondent no.6** 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 period of 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 this writ petition or the rival contentions of the respondents. The petitioner 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.6** but the same shall not travel beyond the scope of the said **representation dated July 3, 2023**.

If the reasoned order goes in favour of the petitioner then the respondent no.6 and/or any other appropriate authority shall give an immediate effect to thereto but 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 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.

The written instruction handed over on behalf of the respondents dated **August 24, 2023** issued under the signature of the **respondent no.6**, is taken on record.

With the above observations and directions, this writ petition, **WPA 20285 of 2023** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)