

08.11.2024
Ct. No. 2
Sl. No. 26
Moumita/SM

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 25935 of 2024

**Prasenjit Kar
Vs
State of West Bengal and Ors.**

**Mr. Sandip Ray
..... for the Petitioner**

**Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Priyabrata Batabyal, Adv.
.....for the Respondents**

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

Mr. Sandip Ray, learned Counsel appearing for the petitioner.

Mr. Priyabrata Batabyal led by Mr. Soumitra Bandyopadhyay, learned State Advocate appearing for the respondents.

The writ petitioner's prayer in the writ petition is that he claims for release of a land acquired allegedly in connection with **LAII-14 of 1988-89** for housing scheme as the land has not been utilized. The details of land is available at **prayer-(a)** to the writ petition. The land belongs to **Mouja-Sanpamirzanagar, 24 Paraganas (South)**. The petitioner submitted his representation dated **September 28, 2024 Annexure P 4 at page 49** to the writ petition. The same has not yet been considered.

In view of the above, the respondent no. 3 is directed upon issuing a prior hearing notice to the petitioner and at the office of the respondent no. 5 and after granting them an opportunity of hearing shall dispose of the said representation dated **September 28, 2024 Annexure P 4 at page 49** 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. 3 positively within a period of six weeks from the date of the communication of this order and the reasoned order shall be communicated to the petitioner and the office of the respondent no. 5 positively within a further period of two weeks from the date of the said reasoned order to be passed.

The respondent no. 5 shall depute a responsible officer who shall attend the hearing with all the relevant documents and papers.

It is made clear that this court has not gone into the merits of the claim of the petitioner and the petitioners shall be at liberty to urge whatever points he wishes to urge by relying whatever records and documents, he wishes to rely upon before the respondent no. 3.

In the event, the reasoned decision goes in favour of the petitioner then the respondent no. 3 and/or

appropriate State authority shall take all necessary and consequential steps to give an immediate effect thereto in accordance with law but positively within a period of six weeks from the date of the said reasoned order to be passed.

This order shall not create any right or equity in favour of the petitioners if the petitioner does not succeed to his claim strictly in accordance with law before the **respondent no. 3**.

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 25935 of 2024 stands disposed of**, without any order as to costs.

(Aniruddha Roy, J.)