

May 16, 2024
ARDR (962)

WPA 26809 of 2023

Maimur Rahaman & ors.
Vs.
The Union of India & ors.

Adv. Partha Pratim Roy,
Adv. Sarbananda Sanyal,
...for the petitioners.
Adv. Susmita Saha Dutta,
Adv. N. Saha,
...for the UOI.

Affidavit of service filed on behalf of the petitioners is taken on record.

Service upon the respondent nos. 4 to 7 is not complete.

On prayer of the petitioners, liberty is granted to implead the Joint Secretary, Ministry of Home Affairs, F.F.R. Division, as respondent no.8 in the writ petition.

The cause title of the writ petition be amended accordingly.

Since the 8th respondent is represented, service of notice upon him is dispensed with.

Since the innocuous prayer of the petitioners is for consideration of their representation submitted under Section 18 of the Enemy Property Act, 1968 before the 8th respondent and also, since no relief has been sought against 4th, 5th, 6th and 7th respondents, service of notice upon them is dispensed with.

The representation submitted by the petitioners before the 8th respondent on 31st October, 2023 is pending. Learned counsel for the petitioners seeks a direction upon the authority to consider and dispose of the representation in the light of the observation made by the Hon'ble Supreme Court in the authorities in Lucknow Nagar Nigam & ors. Vs. Kohli Brothers Colour Lab. Pvt. Ltd. & ors. reported in 2024 SCC OnLine SC 188 and Union of India & anr. Vs. Raja Mohammed Amir Hohammad Khan reported in (2005) 8 SCC 696.

In view of the above, the writ petition is disposed of directing the 8th respondent to consider and dispose of the representation submitted by the petitioners dated 31st October, 2023 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and upon taking into consideration the authorities referred to above, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)