

S/L 15
15.09.2025
Court. No. 19
Suvayan

WPA 2564 of 2025

Subodh Ch. Roy
Vs.
The State of West Bengal & Ors.

Mr. Md. Nauroz Rahber
Mr. Muhammad Jawwad
Ms. Shahin Parveen

...for the petitioner.

Mr. Supratim Dhar, Sr. Adv.
Ms. Tuli Sinha

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. The subject matter of the instant writ petition is the non-consideration of the representation as made by the writ petitioner with the respondent nos. 4, 5 and 9/authorities.
3. At the time of hearing, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos. 20 to 31 of the instant writ petition being a copy of the registered deed of lease dated 19.10.2011 as has been executed by the respondents/State (lessor) and the writ petitioner (lessee) herein in respect of the plot of land particulars of which has been mentioned in internal page no. 4 of the said deed of lease i.e. page no. 23 of the instant writ petition basically for the purpose of cultivation of tea. It is submitted on behalf of the writ petitioner that pursuant to such execution of the lease deed dated 19.10.2011 the writ petitioner came into the possession

of the said lease hold tea garden and started cultivating tea leaves. It is further contended on behalf of the writ petitioner that the private respondents all on a sudden on 29.09.2024 and again on 10.11.2024 trespassed in to the said lease hold property of the writ petitioner and plucked tea leaves from the said lease hold garden.

4. Drawing attention to page nos. 51 to 54 of the instant writ petition being copies of several representations and/or complaint as made by the writ petitioner with the respondent nos. 4, 5 and 9/authorities it is submitted that despite submission of such representations the said respondent nos. 4, 5 and 9/authorities have not taken any steps for protecting the lease hold right of the writ petitioner though the said authorities being authorities under Article 12 of the Constitution of India are duty bound to protect the life and property of the writ petitioner.
5. It is thus submitted on behalf of the writ petitioner that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers as made in the instant writ petition.
6. Mr. Dhar, learned Senior Advocate appearing on behalf of the respondents/State, however, contended that the instant writ petition is not maintainable on account of availability of the alternative remedy.
7. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court directs the respondent no. 4/authority to consider the

representation dated 09.12.2024 in accordance with law and after giving due opportunity of hearing both to the writ petitioner and the private respondents shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents are provided to him at the time of hearing.

8. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 4/authority within a period of 30 working days from the date of communication of the server copy of this order.
9. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent no. 4/authority.
10. The respondent no. 4/authority is hereby directed to act on the server copy of this order.
11. The time limit as fixed by this Court is mandatory and peremptory.
12. With the aforementioned observation, the instant writ petition being WPA 2564 of 2025 is disposed of.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)