

S/L 2
02.07.2025
Court. No. 19
Sourav

WPA 4144 of 2024

**Pappu Das
Vs.
The Principal Secretary,
Govt. of West Bengal & Ors.**

*Mr. Kushal Chatterjee
Mr. Oishik Chatterjee
Mr. Imdadul Hoque*

...for the petitioner.

*Mr. Supratim Dhar, Sr. Adv.
Mr. Amrita Lal Chakraborty*

...for the State.

1. The matter is listed today under the heading “To Be Mentioned” since a typographical error occurred in the order dated 23.06.2025. In the cause title of the said order dated 23.06.2025, the figure ‘2025’ be deleted and in its place, the figure ‘2024’ is inserted.
2. Necessary correction in this regard is made by me in Court today.
3. On consent of both the parties, the instant matter is now taken up for hearing.
4. The report as submitted on behalf of the respondent/State is taken on record.
5. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities, more specifically, the respondent no. 5/authority to consider the representation dated 23.01.2024, a copy of which has been annexed at Page No. 70 of the instant writ petition.

6. In course of hearing, Mr. Chatterjee, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to the order dated 25.04.2024 as passed by a co-ordinate Bench of this Court in connection with the instant writ petition. It is submitted that from the said order, it would reveal that as per request made by the respondents/authorities, the writ petitioner has executed a deed of gift in respect of 30 decimals of land in Plot No. 1035 in Mouza – Kismat Borol in favour of PHE Department, Government of West Bengal for implementing 'Jal Jivan Mission' for supply of water in the locality. It is submitted that subsequently it has come to the knowledge of the writ petitioner that such Scheme was implemented by the respondents/authorities in another place for the reasons best known to the respondents/authorities.
7. It is submitted further on behalf of the writ petitioner that finding no other alternative, the writ petitioner approached the respondents/authorities by submitting a representation dated 23.01.2024 which was not considered favourably. It is further submitted on behalf of the writ petitioner that from the report as submitted by the respondent/State, it would reveal that it is the stand of the respondent/State and its functionaries that due to some technical reason they have implemented the said Scheme on another land.
8. It is thus submitted on behalf of the writ petitioner that considering the conduct of the respondent/State

and its functionaries, the relief may be moulded by directing the respondents/authorities to consider the prayer of the writ petitioner for return of the land as gifted to them in accordance with law.

9. Mr. Chakraborty, learned advocate appearing on behalf of the respondent/State and its functionaries submits before this Court that from the report as filed today, it would reveal that on account of some technical constraint, the project was implemented on another land and such technical constraint could not be foreseen when the deed of gift was executed by the writ petitioner in favour of the respondents/authorities.
10. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court permits the writ petitioner to submit a comprehensive representation with the respondent no. 1/authority preferably within 30 working days from today.
11. The respondent no. 1/authority on receipt of such representation from the writ petitioner shall consider such representation in accordance with law and after giving an opportunity of hearing either to the writ petitioner and/or to his authorized representative shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner preferably by mail, if the mail details of the writ petitioner is furnished to him at the time of hearing.

12. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 1/authority within 30 working days from the date of receipt of the representation along with a server copy of this order.
13. The time limit as fixed by this Court is mandatory and peremptory.
14. 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. 1/authority.
15. The respondent no. 1/authority is directed to act on the server copy of this order.
16. With the aforementioned observations, the instant writ petition being **WPA 4144 of 2024** is disposed of.
17. 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.)