

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

13.01.2025
Ct. no. 2
Sl. No. 8
Moumita

WPA 14299 of 2024

Anil Gupta and Anr.

Vs.

The State of West Bengal & Ors.

Mr. Shuvasish Sengupta

Mr. Souvik Ghosh

.... For the Petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Ms. Suchana Banerjee

...For the State Respondents

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

Mr. Shuvasish Sengupta, learned counsel appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned senior state counsel appears for respondent nos. 1 to 6.

The private respondent no. 9 is the joint venture company of the petitioner and the state and is not represented.

The rest of the respondents are not represented.

The petitioners state that a piece and parcel of land was leased out to the petitioners by the state for constructing an engineering college. Such engineering college could not be constructed, the petitioners

requested the state authority to allow them to construct a school. The request of the petitioners was turned down by the state authority on the ground that no construction is allowed on the subject plot of land as the same is included in the **CRZ (Costal Regional Zone)**.

In such circumstance, the petitioner submitted a representation dated **January 25, 2024 annexure P-6 at page 183** to the writ petition by which the petitioner requested the state authority to take back the land by cancelling the lease and to refund the initial deposit of Rs. 5 lacs deposited by the petitioners.

It is pertinent to note that previously the state authority took back possession of the land once and by virtue of the direction of Hon'ble Division Bench, the possession was again handed over to the petitioners and since then the petitioners are in possession of the land, as submitted by the learned counsel for the petitioner.

Mr. Soumitra Banerjee, learned state counsel appears for the state respondents.

After considering the submissions made on behalf of the parties, the respondent no. 5 upon issuing the prior hearing notice at least seven days to the petitioner shall decide the said representation dated **January 25, 2024**, as referred to above, after granting an opportunity of hearing to the petitioner and by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 5 within a period of **four weeks** from the date of communication of this order.

The reasoned order then shall be communicated to the petitioner within a further period of **one week** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner. The appropriate state authority shall resume the possession of the subject land immediately and shall refund the initial deposit of Rs. 5 lacs to the petitioner positively within a period of **two weeks** from the date of the said reasoned order to be passed.

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 14299 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)