

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

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 14731 of 2024

Katakopra Rural Educational Society & Ors.
Vs.
The State of West Bengal & Ors.

For the petitioners : Mr. Firdous Samim
Mr. R. Ahmed Khan
Ms. Swati Dey

For the State : Mr. Swapan Kr. Datta
Mr. Rajat Dutta

Heard on : 08.01.2025

Judgment on : 08.01.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to grant NOC to the petitioner no. 1 for establishment of a Law College in the name and style "Swami Vivekananda Law College".

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner no. 1 is a registered Society under the applicable law. For establishment of Swami Vivekananda Law College at Raipur, Domkol, Murshidabad, the said Society showed in the concerned DPR (Detailed

Project Report) that they had more than five acres of land as per lease deed and records of rights issued by the concerned BL&LRO. The petitioner's society was in possession of land on this basis. As per the State Policy Guidelines No. 8(E) the Society possessed all necessary eligibility, the infrastructure and the capacity to run the said proposed Law College. In terms of Reference No. KRES/082/2024 dated 30.01.2024, it had furnished relevant lease deeds of 5.1041 acres of land by adding two new deeds made in 2024. The Society furnished the requisite documents with the respondent authorities and there was no lapse on the part of the Society as per the State policy guidelines and communications issued in this regard by the competent authority. The Society was having requisite qualification to establish self-financing law college in accordance with Government Notification dated 17.09.2015. In this regard the Society addressed a letter dated 27.08.2021 to the respondent no. 3 to obtain NOC for establishing such law college. The respondent authorities subsequently addressed a Letter of Intent dated 29.12.2021 to the petitioner no. 1 indicating certain shortfalls in their report. The petitioner no. 1 through several representation provided all necessary clarifications and documents in support of their prayer for setting up the law college. In spite of all these, the respondent authorities failed to provide necessary NOC in favour of the petitioner no. 1.

Learned senior counsel representing the State denies the allegations and submits as follows. The compliance report as per paragraph 9 of notification dated 17.09.2015 was required to be submitted by the petitioner

within a month from the date issuance of the LOI. The petitioner Society submitted an incomplete compliance report on 01.12.2023, after a period of about two years which was far beyond the permissible time limit of one year. Despite the Government's further communications dated 15.01.2024 requiring certain documents relating to land including the certified copies of the Record of Rights showing legal status of land property earmarked by the Society, it failed to do so. Moreover, the land measuring 5.1041 acres as claimed to be possessed by the petitioner Society are actually possessed with different leaseholders and not by the Society itself. Some of them are, in fact, in the name of the law college, which is not separately legal entity and has not come into existence as yet. The LOI made it clear that it did not confer any particular right on the petitioner.

I have heard the learned counsels for the parties and perused the writ petition, the affidavits and the written notes of submissions.

Although the purported compliance report was filed by the petitioner after about two years, the Government seems to have made a further communication dated 15.01.2024 requiring necessary documents. In such circumstance, it will be for the respondent authorities to finally decide whether the delay in file a compliance report would be absolutely fatal for getting permission to run the college.

It appears that there is another technical defect that some of the lease deeds are in the name of the Law College, which apparently is not a separate

legal entity. The respondent authorities shall also be at liberty to decide this issue vis-a-vis the prayer of the petitioner for granting of the NOC.

It also needs to be seen whether the records actually support the petitioner's contention that they are in possession of the land as required.

In view of the above, let the petitioner make a fresh representation before the respondent nos. 2 and 4 within a fortnight from this date which shall be considered by the said respondents in accordance with law and after providing an opportunity for hearing to the petitioner and as expeditiously as possible, preferably within a period of six weeks from the date of receipt of such application.

It is made clear that all the points are taken up in this proceeding by either of the parties are kept open.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this judgment may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)