

Form No. J.(2)
Item No. 6
AB

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 16818 of 2025

Sabiul Momin & Ors.

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Ms. Deboleena Ghosh, Advocate
For the State	:	Mr. Vivekananda Bose, Advocate Mr. Kushal Das, Advocate
Heard on	:	August 28, 2025
Judgment on :	:	August 28, 2025

Aniruddha Roy, J.

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

Pursuant to the direction of this Court dated August 11, 2025 the memo being dated **May 2, 2025** has been submitted before this Court today, the same is taken on record. A copy of the said memo has also been made over to Ms. Deboleena Ghosh, learned advocate appearing for the petitioners today in Court. Since the basis of the impugned order dated May 15, 2025 was the said memo dated May 2, 2025 and before the said impugned order was passed no opportunity was granted to the petitioner to deal with the said memo dated **May 2, 2025**, there is a breach of the elementary principal of natural justice.

Accordingly, the impugned order dated May 15, 2025 stands **set aside** and **quashed**.

Page 123 to the writ petition shows that petitioners had already submitted a written submissions and notes of arguments before the hearing authority, who passed the impugned order. The same is already on record.

The petitioners shall be at liberty to file an additional written submissions and notes of argument but the same shall be restricted to the said memo dated May 2, 2025 and no further. Such additional written submissions shall be filed by the petitioners forthwith.

Upon receiving the said additional written submissions the respondent no. 3 upon issuing a prior hearing notice of at least seven days to the petitioners and also upon their learned advocate on record through whom the writ petition has been filed and after giving an opportunity to the petitioners for hearing shall pass its reasoned order in accordance with law.

It is made clear that, the petitioners shall be entitled to participate in the hearing through their duly authorized representative/the present advocate on record.

The entire exercise shall be carried out completed by the respondent no. 3 positively within a period of **six weeks** from the date of receiving the said additional written submissions from the petitioners and the reasoned order shall be communicated to the petitioners and its authorized representative, if any, who shall participate in the hearing within a further period of **one week** from the date of the said reasoned order to be passed.

The hearing shall take place on the basis of the existing records and along with the said additional written submissions to be filed by the petitioners and not beyond that.

It is made clear that, this Court has not gone into the merits of this writ petition and the impugned order has been set aside only on the technical ground. All points are kept open to be urged before the respondent no. 3 but the same shall not travel beyond the existing records and the said additional written submissions to be filed by the petitioners.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this order shall not create any right or equity in favour of the petitioners if the petitioners do not succeed to their claim before the respondent no. 3 strictly in accordance with law.

With the above observations and directions this **W.P.A. 16818 of 2025** stands **disposed of**, without any order as to costs.

Since this writ petition has been filed upon payment of one Court fee, the rest 21 numbers of Court fees shall be paid by the petitioners, if not paid and then the learned advocate on record for the petitioners shall produce the evidence of payment before the learned advocate on record for the respondents and only subject to such condition this order shall be effected.

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

(Aniruddha Roy, J.)