

Court No. 2
03.01.2025
(Item No. ML-98)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 18373 of 2024

Bapi Kandar
VS
The State of West Bengal & Ors.

Mr. Susanta Rakshit
Mr. Khairul Alam
.... For the petitioner
Mr. Soumitra Bandyopadhyay, ld. Sr. advocate
Mr. Priyabrata Batabyal
.... For the State respondents

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

Mr. Susanta Kumar Rakshit, learned advocate
appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned senior
counsel appears for the respondents.

The principal prayer of the writ petitioner is for
consideration of its representation dated **January 16,**
2024, annexure P-8 at **page 29** to the writ petition.

In view of the above, the respondent No. 4
upon issuing a prior notice of hearing of at least seven
days to the petitioner and after granting him an
opportunity of hearing shall dispose of the
representation dated **January 16, 2024, annexure P-**
8 at **page 29** to the writ petition by passing a
reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent No. 4 positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner positively within a further period of **one week** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent No. 4.

In the event the reasoned order goes in favour of the petitioner, then an immediate effect shall be given by the appropriate State authority in accordance with law but positively within a period of **three weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if he does not succeed to his claim before the respondent No. 4 strictly in accordance with law.

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 18373 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.)