

S/L 9
28.04.2025
Court. No. 19
Sourav

WPA 30742 of 2024

**S. G. Projects Private Limited
Vs.
The State of West Bengal & Ors.**

*Mr. Asoke Kr. Banerjee, Sr. Adv.
Mr. Arijit Dey*

...for the petitioner.

*Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar*

...for the State.

*Mr. Sanjay Saha
Mr. Raju Mondal*

...for the respondent no. 5.

1. The report dated 08.04.2025 as submitted by the respondent no. 6 through Mr. De, learned AGP appearing for the respondent/State and its functionaries is taken on record. On behalf of the writ petitioner an exception to such report is also filed and the same is also taken on record.
2. At the time of hearing, Mr. Banerjee, learned Senior Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to the judgment and order dated 23.09.2024 as passed in WPA 18288 of 2024 by a co-ordinate Bench of this Court in an earlier round of litigation. It is submitted by Mr. Banerjee that from the said judgment and order dated 23.09.2024, it would reveal that a direction was passed upon the respondent no. 5/authority to pass a reasoned order after giving an opportunity of hearing to the writ petitioner.

3. In his next limb of submission, Mr. Banerjee draws attention of this Court to paragraphs 26 and 27 of the instant writ petition. It is submitted by Mr. Banerjee that it has been stated by the writ petitioner on oath in the said two paragraphs that in utter violation of the judgment and order dated 23.09.2024, the respondent no. 5 did not conduct the hearing and on the contrary, such hearing was conducted by the respondent no. 6 who has no authority to conduct such hearing pursuant to the judgment and order as passed on 23.09.2024.
4. It is further submitted by Mr. Banerjee that the order under challenge suffers from material irregularity as well as perversity since the order under challenge has been passed by the respondent no. 5/authority though he had not heard the writ petitioner (on the contrary the hearing was conducted by the respondent no. 6/authority).
5. It is further submitted by Mr. Banerjee that the order under challenge is also perverse in another aspect in view of the fact that in the said order, the respondent no. 5/authority placed his reliance upon a report dated 11.12.2020 as submitted by the SDL & LRO and BL & LRO without serving a copy of the same to the writ petitioner prior to passing of the order under challenge. It is thus, submitted by Mr. Banerjee that the cardinal principle of natural justice has not been followed since the writ petitioner got no opportunity to controvert the said report as relied upon in the impugned judgment.

6. Mr. De, learned AGP, in his usual fairness submits before this Court that justice would be sub-served in the event the respondent no. 5 is directed to act in terms of the judgment and order dated 23.09.2024 by setting aside the order dated 19.11.2024 which is the subject matter of challenge in the instant writ petition.
7. On careful consideration of the entire materials as placed before this Court, this Court finds sufficient justification in the submission of Mr. Banerjee, learned Senior Advocate appearing on behalf of the writ petitioner basically on the following grounds, namely;
 - i) There is no denial on the part of the respondents/authorities that the respondent no. 5 did not conduct the hearing as directed by the co-ordinate Bench on 23.09.2024;
 - ii) Though the respondent no. 6 conducted the hearing, the respondent no. 5 passed the order under challenge which cannot be considered to be just and legal and the same in considered view of this Court is absolutely perverse; and
 - iii) The respondent no. 5 has failed to follow the established principle of natural justice by not giving a copy of the joint report dated 11.12.2020 in advance to the writ petitioner.
8. In view of such, this Court thus finds sufficient merit in the instant writ petition.
9. Accordingly, the instant writ petition is allowed.

10. Consequently, the order dated 19.11.2024 as passed by the respondent no. 5/authority is hereby set aside.
11. Before parting with, this Court further directs the respondent no. 5 to himself conduct the hearing as directed by the co-ordinate Bench of this Court on 23.09.2024 while disposing WPA 18288 of 2024.
12. The respondent no. 5 is further directed to give an opportunity of hearing to the writ petitioner and/or his legal representative and, thereafter, shall pass a reasoned order in writing and shall forthwith communicate the same to the writ petitioner preferably by mail, if the mail detail is provided by the writ petitioner at the time of hearing.
13. Liberty is given to the writ petitioner to file his written objection against the joint report dated 11.12.2020 before the respondent no. 5 prior to commencement of hearing and while passing the reasoned order, the respondent no. 5 is directed to give due adherence to such written objection as would be filed on behalf of the writ petitioner.
14. It is made clear that the entire exercise as indicated in the foregoing paragraphs is to be completed within 60 working days from the date of communication of the server copy of this order.
15. The respondent no. 5 is directed to act on the server copy of this order.
16. With the aforementioned observations, the instant writ petition being **WPA 30742 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.)