

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

20 22.1.2025
Sc Ct. no. 2

WPA 2653 OF 2024

Pradip Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Kumar Majumdar
Mr. Shubhankar Dutta
Mr. Sougata Mitra.
 For the Petitioner
Mr. Subir Kumar Saha
 For the Respondent
 Nos. 1, 2,5 & 6

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

Mr. Sudipta Kumar Majumdar, learned Senior Advocate appears for the petitioner.

Mr. Subir Kumar Saha, learned Additional Government Pleader appears for the respondent nos. 1, 2, 5 & 6.

Referring to Annexure at **page 44** to the writ petition learned senior Advocate for the petitioner submits that, the claim of the petitioner, pending before the respondent no.4, has not yet been disposed of since long.

In view of the above, the respondent no.4 is directed upon issuing a prior hearing notice of at least **seven days** to the petitioner and other relevant parties,

if any, and after granting them an opportunity of hearing shall dispose of the claim of the petitioner pending before it 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 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 then the appropriate authority shall give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be communicated to it.

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 but the same shall not travel beyond the scope of the claim already pending before it.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioner 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 2653 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.)