

N.22S1

151/CL
22.01.26
SI-751
Ct.551
(S.R.)

WPA 23346 of 2023

Prasanta Das & Anr.

v.

The State of West Bengal & Ors.

Mr. Dyutiman Banerjee

Ms. P. Saha

... for the petitioners.

Mr. Supratim Dhar, Sr. Adv.

Mr. Chandan Kumar Mandal

... for the State.

Mr. Sk. Afrojul Haque

... for the respondent no.3.

Mr. Subhas Jana

Mr. Sakya Maity

Ms. Mohua Palit ... for the private respondent.

1. This writ petition alleges arbitrary inaction on the part of the respondent no.4. i.e. the Sub-divisional Officer, Haldia in taking steps on the basis of the petitioners' representation made to the said authority on July 24, 2023 (Annexure P-5 at pages 77 to 79 of the writ petition)
2. On the last occasion, it was submitted by the learned advocate appearing for the respondent nos.7 to 9 that the writ petition suffered from suppression of material facts inasmuch as the fact of pendency of a Title Suit being No.114 of 2020 before the learned Court of the learned Civil Judge (Senior Division), Haldia and subsistence of an order directing the parties to maintain *status quo* as regards the nature and character of the property,

which was the subject matter of the suit had not been mentioned in the writ petition.

3. Today, when the matter is taken up, the learned advocate appearing for the petitioners has demonstrated from the plaint filed before the learned Civil Court that the property in respect whereof the Title Suit is pending and order of *status quo* has been passed is different from the one in respect whereof representation has been made before the respondent Sub-divisional Officer seeking action in terms of the West Bengal Public Premises (Eviction of Unauthorised Occupants), Act, 1962. Having regard thereto, since a representation has been made before the Sub-divisional Officer, Haldia on July 24, 2023 (Annexure P-5 at pages 77 to 79 of the writ petition) urging action under the said Act of 1962, it would be proper for this Court to direct the respondent no.4 i.e. Sub-divisional Officer, Haldia to consider the said representation of the petitioners and dispose of the same, in accordance with law, as expeditiously as possible, upon affording an opportunity of hearing to all interested parties including the petitioners and the respondent nos.7 to 9.
4. It is needless to mention that all the parties shall be entitled to place their respective cases before the Sub-divisional Officer and Sub-divisional Magistrate

and the Sub-divisional Officer and Sub-divisional Magistrate shall pass a reasoned order, in accordance with law.

5. It is clarified that this Court has not gone into the merit of the matter and all points are left open to be decided by the said Sub-divisional Officer and Sub-divisional Magistrate strictly, in accordance with law.
6. Since, no affidavits have been invited, all allegations made in the writ petition shall be deemed not to have been admitted by the respondents.
7. With the aforesaid observations, WPA 23346 of 2023 stands disposed of.
8. There shall, however, be no order as to costs.
9. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)