

Form J(2)
Sl.No. 1
Moumita

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 17140 of 2026

Sanchem Paints Private Limited
Vs.
The State of West Bengal and Ors.

For the Petitioners

:Ms. Nilanjana Adhya, Adv.

**For the State/
Respondent No. 1**

:Mr. Bikash Chandra Das, Adv.
Ms. Shikha P. Chowdhury, Adv.

For the Respondent No. 2

:Mr. Swarajit Dey, Adv.
Mr. Saptarshi Kar, Adv.

Heard on

: August 1, 2026

Judgment on

: August 1, 2026

[In Court]

Aniruddha Roy, J. :

1. Upon urgency being pleaded by the petitioner and since the determination of the Regular Bench has been assigned before this Court, the matter has been taken up for consideration.
2. Affidavit-of-service, filed in Court today, is taken on record.

3. Ms. Nilanjana Adhya, learned Advocate appears for the petitioner.
4. Mr. Bikash Chandra Das, learned Advocate appears for respondent no. 1.
5. Mr. Swarajit Dey, learned Advocate appears for respondent no. 2.
6. None appears for the private respondent nos. 3 and 4, despite notice.
7. By virtue of a lease deed executed on **May 31, 2000** the subject plot of land was leased out in favour of the predecessor-in-interest of the petitioner by respondent nos. 1 and 2. Respondent nos. 1 and 2 are the joint lessors. The petitioner had changed its name from time to time. The lease was granted in the name of **Sanchem Industries Private Limited**. The name was then changed to **Sanchem Plastics Private Limited**. The name was further changed to **Sanchem Paints Private Limited**.
8. The change of name had been accepted by the respondents since the requisite fees, as demanded by the respondents in this regard, had been paid and the respondent nos. 1 and 2 had accepted such fees.
9. Referring to a communication dated **March 25, 2026 at page 62** to the writ petition Ms. Nilanjana Adhya, learned Advocate appearing for the petitioner submits that, a communication was issued by the respondent no. 2 seeking a clarification with regard to alleged existence of the respondent no. 4 in the subject land. By a letter dated **April 1, 2026 at page 63** to the writ petition, the petitioner replied to the said communication dated **March 25, 2026**. The respondent no. 2 then issued a **Show Cause** notice dated **April 20, 2026 at page 72** to the

writ petition, to which the petitioner submitted its reply dated **May 20, 2026, at page 77** to the writ petition.

10. Reply of the petitioner dated **April 1, 2026** shows that, the petitioner had contended once upon a time a **third party** was inducted and there is no subsisting right in favour of such third party, at present.
11. In the facts and circumstances of the instant case, the petitioner has moved this writ petition praying for issuance of mandamus for quashing the letters of the respondent no. 2 dated **March 25, 2026** and **April 20, 2026** along with other prayers.
12. Both the respondents have raised their objections and the point of maintainability of this writ petition with regard to **prayer 'b'** to the writ petition and they further submit that, challenge to the **show cause** is not maintainable.
13. After considering the rival contentions of the parties and upon perusal of the materials on record it appears to this Court that, the respondent no. 2 being an authority within the meaning of **Article 12 of the Constitution of India** is obliged to dispose of the objection raised by the petitioners in accordance with law with a speaking order.
14. In view of the above, following directions are passed:

(a) The **Chief Executive Officer** of the respondent no. 2 upon issuing a prior **three days'** notice after communication of this order on the petitioner, the

Principal Secretary Department of Urban Development and Municipal Affairs, respondent nos. 3 and 4, shall cause a ***physical inspection*** of the land to find out whether the private respondents are in existence and possession on the land and they are occupying any portion of the land. Upon inspection a ***report*** shall be prepared.

(b) The report shall be made over to the petitioner, Principal Secretary, respondent nos. 3 and 4 ***positively*** within a period of ***three days*** from the date of such inspection to be conducted.

(c) The ***Chief Executive Officer*** of the respondent no. 2 then upon issuing ***three days'*** prior notice on the petitioner, the Principal Secretary and the respondent nos. 3 and 4 and upon granting them an opportunity of hearing shall dispose of the replies of the petitioner dated ***April 1, 2026*** and ***May 20, 2026 at pages 63 and 77*** to this writ petition respectively in the light of the notice asking for clarification dated ***March 25, 2026*** and the show cause notice dated ***April 20, 2026*** and also in the light of the existing relevant records and then shall

pass a reasoned in accordance with law ***positively within four weeks*** from the date of hearing.

(d) It is needless to mention that, the parties shall be at liberty to crave reference to the copy this writ petition at the time of hearing before the ***Chief Executive Officer***.

(e) The reasoned order then shall be communicated to the petitioner, the Principal Secretary and the respondent nos. 3 and 4 ***positively within two weeks*** from the date of the reasoned order to be passed.

15. It is made clear that, this order shall not create any right or equity in favour of the parties to the instant writ petition in any manner.

16. It is made clear that, the respondent nos. 3 and 4 will have no right or equity whatsoever by virtue of their participation in the inspection or in the hearing before the ***Chief Executive Officer***, since, the parent lease is between the respondent nos. 1 and 2 and the petitioner.

17. Mr. Bikash Chandra Das, learned Advocate appearing for the State submits that, in the event, the existence of the private respondents are found in the land, it shall be the responsibility of the petitioner to remove them.

18. In the event, the reasoned order confirms the existence of the respondent nos. 3 and 4 in the land in violation of the parent lease

terms, the respondent nos. 1 and 2 shall be at liberty to take steps in accordance with law.

19. The respondents shall not take any further steps or coercive step in the matter until the reasoned order of the Chief Executive Officer is communicated to the petitioner.
20. It is needless to mention that, during the hearing if any other record is relied upon by any of the parties which is not made part of the instant writ petition, copies of such records shall be furnished before the other parties at least **three days** prior to the date of hearing or next hearing.
21. It is further made clear that this order shall not create any right or equity in any manner, with regard to the appropriate jurisdictional forum in accordance with law, in the event the reasoned order is challenged.
22. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
23. With the above observations and directions, this writ petition **WPA 17140 of 2026** stands **disposed of**, without any order as to costs.
24. Parties shall be at liberty to take steps on the basis of the server copy of this order after the same being obtained from the Official Website.

(Aniruddha Roy, J.)