

23.07.2026
Item No.71
Ct. No. 19
RP

WPA/11839/2026
KEYA BOSE
VS
STATE OF WEST BENGAL AND ORS.

Mr. N.C. Bihani, Sr. Adv.
Mr. Soumya Mukherjee

...For Petitioner

Mr. Nilanjan Bhattacharjee, Sr. SC
Ms. Jayita Dhar Chakraborty
Ms. Ayana Banerjee

...For State

1. The writ petitioner and the respondent/State are represented by their respective counsel.
2. The subject matter of the instant writ petition is the notice dated 02.02.2026 as issued by the respondent authorities, a copy of which has been annexed at page no.127 of the instant writ petition. For effective adjudication of the instant lis this Court considers that the contents of the said notice is required to be looked into and the same is reproduced hereinbelow in verbatim.

*“In compliance with the Order of the
Division Bench of Hon’ble High Court
at Calcutta arising out of MAT 1933 of*

2025, IA No.CAN 1 of 2025 and CAN 2 of 2025, it is hereby notified that processing of all applications relating to Mutation against Will, Gift and Transfer of leasehold right in respect of plots (Residential) in Salt Lake City which were processed in accordance with this Department Notification No.2709-SL(AL)/4S-9/2004 (Pt.I) dated 22.06.2013, read with Notification No.2309-SL(AL)/4S-9/2004 (Pt.I) dated 03.08.2022 and Notification No.3377-SL(AL)/4S-9/2004 (Pt.I) dated 02.09.2013 will remain suspended till further orders.

Date.02.02.2026

Place, Salt Lake, Kolkata

By Order”

3. At the time of hearing Mr. Bihani, learned Senior Advocate appearing on behalf of the writ petitioner places his reliance upon the order dated 29.04.2025 as passed by this Court in WPA 25106 of 2024 (Dinesh Kumar Goyal & Anr. vs. The State of West Bengal & Ors.), the judgment and order dated 27.01.2026 as passed by a

Division Bench of this Court in MAT 1933 of 2025 with CAN 1 of 2025, CAN 2 of 2025 (The State of West Bengal & Anr. vs. Dinesh Kumar Goyal & Anr.) and the order dated 20.03.2026 as passed by this Court in CPAN 1411 of 2025 (Dinesh Kumar Goyal & Anr. vs. Rajib Mondal, Land Manager Bidhannagar, Deptt. of Urban Development and Municipal Affairs). On perusal of the order dated 29.04.2025 as passed by this Court in WPA 25106 of 2024 it would reveal that this Court noticed that the previous two separate coordinate Benches of this High Court came to a finding that the notifications dated 22.06.2012 and 02.09.2013 cannot be given effect to and based on such finding this Court while disposing WPA 25106 of 2024 directed the respondent no.2 authority to effect mutation in respect of the plot in question as involved in the said writ

petition in the name of the said writ petitioner without insisting upon payment of permission fees in terms of the aforementioned two notifications dated 22.06.2012 and 02.09.2013.

4. It is further submitted by Mr. Bihani that the said order dated 29.04.2025 as passed by this Court was carried into an intra-Court appeal at the instance of the respondent/State and the Division Bench of this Court in MAT 1993 of 2025 has affirmed the stand taken by this Court in WPA 25106 of 2024. It is submitted by Mr. Bihani that on perusal of the order dated 20.03.2026 as passed by this in Court in CPAN 1411 of 2025 it would reveal that the respondent no.2 authority herein has complied with the order dated 29.04.2025 as passed by this Court in WPA 25106 of 2024.

5. At this juncture, Mr. Bihani took me to the notice impugned dated 02.02.2026.

It is submitted that despite passing of the aforementioned two orders by this Court and the judgment and order passed by a Division Bench in an intra-Court appeal, the respondent no.2 authority more surprisingly issued the impugned notice, which cannot stand in the eye of law in view of the fact that not only this Court but also two other coordinate Benches of this Court have directed the respondent no.2 authority not to insist upon the notifications dated 22.06.2012 and 02.09.2013 since those two notifications have already been directed not to be given effect to and have been quashed. It is, thus, submitted that despite compliance of the Court's order as has been recorded in CPAN 1411 of 2025, there cannot be any justification on the part of the respondent no.2 authority to issue the notice impugned.

6. Mr. Bhattacharjee, learned senior advocate appearing on behalf of the respondent/State submits before this Court that challenging the judgment and order dated 27.01.2026 as passed by a Division Bench of this Court in MAT 1933 of 2025 a Special Leave Petition has been preferred before the Hon'ble Supreme Court, however, he candidly admits before this Court that in the said Special Leave Petition no stay order has been obtained.

7. Keeping in mind the aforementioned factual scenario as discussed in the aforementioned paragraphs and after hearing the learned advocate for the contending parties it appears before this Court that not only this Court but also two other coordinate Benches of this Court directed the respondent no.2 authority not to insist upon two previous notifications dated 22.06.2012 and 02.09.2013, which has also been

affirmed by a Division Bench of this Court in MAT 1933 of 2025. Materials have been placed before this Court that the respondent no.2 authority has duly carried out the order passed by this Court in WPA 25106 of 2024 and such fact has been recorded by this Court on 20.03.2026 while disposing CPAN 1411 of 2025.

8. In view of such, this Court finds no justification on the part of the respondent no.2 authority to issue the notice dated 02.02.2026. Consequentially, the notice dated 02.02.2026 as issued by the respondent no.2 authority is hereby quashed and the respondent no.2 is directed to dispose of the application for mutation as has been preferred by the writ petitioner, a copy of which has been annexed at page no.59 of the instant writ petition, in accordance with law and after giving due opportunity of

hearing to the writ petitioner shall pass a reasoned order in the light of the order dated 29.04.2025 as passed by this Court in WPA 25106 of 2024 and the judgment and order dated 27.01.2026 as passed by this Court in MAT 1933 of 2025 and shall forthwith communicate the same to the writ petitioner positively within thirty (30) working days from the date of communication of the server copy of this order.

9. The time limit as fixed by this Court is peremptory and mandatory.
10. With the aforementioned directions, this writ petition is disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(PARTHA SARATHI SEN, J.)