

29-11-2021

ct no. 13

Sl.7

pk

**WPA 13295 of 2021
(Through Video Conference)**

**Amlan Kumar Ghosh
Versus
State of West Bengal and others**

Mr. Madan Mohan Roy
... for the petitioner

Mr. Bibek Jyoti Basu,
Mrs. Rajlakshmi Ghatak
... for the State.

Mr. Satyajit Talukdar
... for the K.M.D.A.

The added respondents/family members of the writ petitioner are not represented despite service of notice.

Affidavit of service filed in Court is taken on record.

For the reasons already recorded in the order dated 14.09.2021, this Court directs the K.M.D.A. to execute the lease for 99 years in the format generally applied by them in favour of the petitioner.

It is made clear that the lease in favour of the petitioner shall be subject to the decision of the Civil Judge (Senior Division), 5th Court, Alipore in T. S. No. 240 of 2016 or any other proceeding arising therefrom.

Lease shall be executed, as directed herein above, by the K.M.D.A. within a period of two months from the date of communication of a copy of this order subject to compliance with all formalities by the petitioner.

A copy of this order shall be served by the Registry to all parties in T. S. No. 240 of 2016(Supra) and a report shall be filed before this Court.

Since no affidavit has been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)