

March 09, 2021

ARDR

(51)

WPA 14894 of 2005

Kalyan Banerjee

Vs.

The State of West Bengal & Ors.

Mr. Saptangsu Basu, Sr. Adv.,
Mr. Nilanjan Bandyopadhyay,
Mr. Suman Banerjee

..for the petitioner.

Mr. Tapas Ballav Mondal

...for the State.

The grievance of the petitioner is directed towards an application for mutation dated 9th September, 1999 being Annexure P/4 of Premises No. AA 55, Sector – V, Bidhannagar, Kolkata – 700 064.

Pursuant to an earlier order of Court, the Land Manager, Bidhannagar has filed a report dated 22nd January, 2020, *inter alia*, recording that the petitioner has a right to be considered for mutation of the said premises.

Mr. Mondal appearing on behalf of the State authorities submits that the appropriate authority to consider the case of the petitioner for mutation is the Land Manager, Bidhannagar.

It is further submitted on behalf of the State that the petitioner be directed to approach the Land Manager, Bidhannagar to consider his case for mutation in accordance with law.

I have heard the parties.

I have also considered the submissions made on behalf of the parties.

I find from the orders passed by this Court as well as from the pleadings filed on behalf of the parties that there is a Enquiry Report initially filed on 24th April, 2014 pertaining to the subject premises being Plot No. AA 55, Sector I, Salt Lake.

After having considered the submissions made on behalf of the parties, I am of the view that the appropriate authority to consider the request of the petitioner for mutation the said premises is the Land Manager, Bidhannagar.

Hence, I direct the Land Manager, Bidhannagar to consider the case of mutation of the petitioner pertaining to the said premises strictly in accordance with law and after giving a right of hearing to all the affected parties. The Land Manager is also to consider the relevance of the Report dated 24th April, 2014 filed in these proceedings.

It is further submitted by Mr. Basu that the report dated 24th April, 2014 has lost its force in view of the subsequent events.

I reiterate that, the Land Manager is directed to give a right of hearing to all the affected parties and consider the case for mutation of the said premises strictly in accordance with law.

The aforesaid exercise is to be completed within a period of eight weeks from date.

I make it clear that nothing in this order will influence the Land Manager on the merits of the case and he is at liberty to decide the case of the petitioner in accordance with the extant Rules and Regulations.

With the aforesaid directions, WPA 14894 of 2005 is disposed off.

The Report dated 22nd January, 2020 filed by the Land Manager be served on Mr. Basu's client in the course of this week.

(Ravi Krishan Kapur, J.)