

08.12.2021
rc/ct.no.10
Item No.13

WPA No. 19624 of 2019
Smt. Baijayanti Sadhukhan nee Bhattacharya
Versus
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Sudhir Kumar Sadhukhan
Mrs. Fatima Hassain ..for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

The petitioner is represented.

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, Advocate who usually appears on behalf of the State and is present in Court is requested to represent the State in this matter. His appointment be regularised by the learned Legal Remembrancer.

The petitioner is directed to serve a copy of this writ petition along with all annexures thereto upon Mr. De in course of this day.

Heard learned counsels appearing on behalf of the parties.

It is submitted by the learned counsel appearing on behalf of the petitioner that in compliance with the order dated June 14, 2019 passed by a coordinate Bench of this Court in W.P.No. 24552(W) of 2017 granting liberty to the petitioner to submit a representation before the concerned

authority for mutation of her name in respect of the plot in question, such representation was submitted by the petitioner before the Authority on July 03, 2019. In considering the said representation, the Estate Manager, Kalyani Urban Development Department, Government of West Bengal turned down the prayer of the petitioner on the ground that ULC clearance was not obtained by the petitioner from the competent authority and also that the petitioner failed to construct her residential house in the said plot within the stipulated period of time, in violation of Clauses 2(iii) and 2(vi) of the lease deed dated July 10, 1987. He also submits that such ULC clearance has been obtained by the petitioner on November 24, 1987 and construction of residential building has also been completed within the time frame pursuant to the sanction plan dated July 06, 1988. The petitioner prays for liberty to file a fresh representation before the Authority and disposal of the same by the Authority at the earliest.

Having considered the submissions made by the learned counsels appearing on behalf of the parties and the material on record, the writ petition is disposed of with liberty to the petitioner to file a fresh representation before the respondent no. 3 annexing all relevant documents thereto within a period of fortnight from date. Such representation shall be considered by the respondent no. 3 within two months from the date of receipt thereof after

giving opportunity of hearing to the petitioner, in accordance with law.

It shall be open to the petitioner to place all the points before the Authority as contained in the writ petition and the Authority shall take into consideration the relevant documents produced by the petitioner while disposing of the writ petition.

The order passed by the respondent no. 3 on August 30, 2019 is accordingly set aside.

With the above observations and directions this writ petition being WPA No. 19624 of 2019 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)