

05.09.2022
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W.P.A. 154 of 2020
(Shakuntala Devi & Ors. vs. State of West Bengal & Ors.)

Mr. Rajdip Ray
Mr. Sandip Ray
.... For the Petitioners

Mr. Pantu Deb Roy
Mr. Anand Farmania
.... For the State

Lease of the plot in question was granted in favour of the predecessor in interest of the petitioners and after her demise the petitioners stepped into her shoes and mutated their names in respect of the property as lessees on 26th November, 2016. The first, second and third petitioners intend to gift the plot in question to their brother the 4th respondent herein and sought permission for the same before the respondents. The respondents, in turn, issued a show cause notice on 26th August, 2019 upon the petitioners under clause 4 of the lease deed for violation of clauses 2(10) and 2(9) of the deed. The petitioners sent a reply to the said notice on 5th September, 2019 requesting withdrawal of the notice and necessary permission to execute the deed of gift in favour of the 4th respondent.

It is submitted on behalf of the petitioners that the said reply has not been taken into consideration by the concerned authority.

Learned counsel for the respondents submits that the third respondent be directed to consider the said reply in accordance with law.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the reply submitted by the petitioners dated 5th September, 2019 within one month from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)