

27.06.2022
rc/ct.no.10
Item No.26

WPA No. 3279 of 2022

Mr. Sobhan Majumder
Mrs. Kalpita Paul ...for the petitioner

Mr. S. Bandyopadhyay
Mr. Arka Nag ...for the State

Affidavit of service filed in Court today be taken on record.

It is contended by the learned counsel appearing on behalf of the petitioner that petitioner was granted lease for a period of 999 years by virtue of a lease deed dated 04.10.1989 alongwith his brother and sister who subsequently gifted their entire leasehold interest in favour of the petitioner by virtue of a deed of gift dated 24.08.2004. The petitioner constructed the plinth of proposed G+4 building in the plot but was unable to complete the same due to financial constraints. The petitioner intends to transfer his leasehold interest in favour of a third party for which he applied before the authority for necessary permission in terms of Clause 2(8) of the deed of lease. The said representation not being considered till date, the petitioner has prayed for a direction upon the authority to consider the same at the earliest.

It is submitted by the learned counsel appearing on behalf of the respondents that no document was annexed to the representation filed by the petitioner on

November 22, 2021. Secondly, the petitioner was required to raise construction in the plot in question within three years from the date of possession of the land in terms of Clause 2(6)(a) of the deed of lease but the petitioner has not completed the construction till date.

Be that as it may, upon consideration of the submission made by the learned counsels appearing on behalf of the parties, this Court is of the view that as the representation submitted by the petitioner before the authority is pending, the authority be directed to consider the representation at the earliest, in accordance with law.

Accordingly this writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated November 22, 2021 within one month from the date of communication of this order after affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The petitioner shall be at liberty to produce all relevant documents before the authority at the time of hearing.

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

Accordingly, this writ petition 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)