

**WPA 13356 of 2022**

Smt. Sandhya Rani Mandal & Ors.  
Vs.  
The State of West Bengal & Ors.

Mr. Partha Pratim Roy,  
Mr. Iresh Paul,

...for the petitioners.

Mr. Chandi Charan De,  
Ms. Reshmi Rahaman,

...for the State.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the leasehold right was granted to one Dr. Pulin Behari Mandal in respect of the plot in question vide deed of lease executed on 29<sup>th</sup> December, 1972. Notice was issued on the said lessee on 18<sup>th</sup> October, 2005 by the respondents upon finding that the lessee had violated Clause 2 (6) (a) of the deed of lease. But the lessee unfortunately expired on 6<sup>th</sup> August, 2005 and therefore, the notice was issued upon a dead person. On the said premise, the petitioners have prayed for recalling the order impugned turning down the prayer of the petitioners for mutation of the property in their favour and a direction upon the authority to reconsider their application.

It is submitted on behalf of the respondents that since the notice was issued upon a dead person, the 2<sup>nd</sup>

respondent be directed to reconsider the application filed by the petitioners in accordance with law.

In view of the above, the order impugned passed by the Land Manager, Bidhannagar Urban Development and Municipal Affairs Department, Government of West Bengal on 8/9<sup>th</sup> March, 2022 be set aside/quashed.

The 2<sup>nd</sup> respondent is directed to consider the prayer of the petitioners afresh within two months 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 petitioners within a week thereof.

It is made clear that this Court has not gone into the merit of the case and the petitioners shall be at liberty to place their contention along with relevant documents before the authority at the time of hearing.

With the above directions, WPA 13356 of 2022 is disposed of. There shall however, be 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.)**