

26.07.2022  
Item no. 87.  
Court No.6.  
AB

**F.M.A. 1685 of 2019**

**The State of West Bengal & Others**

**Vs**

**Smt. Reena Dasgupta & Others**

Mr. Naba Kumar Das,  
Ms. Diana Ghosh Dastidar ....for the Appellants.

Mr. Pradip Kumar Roy,  
Ms. Suparna Shyam ....for the Respondents.

By the impugned judgment and order dated November 13, 2018, the learned Single Judge allowed the writ petition of the respondent no.1 by quashing the Notification dated September 2, 2013 to the extent it did not consider the daughter in-law of a person as being closely related by blood to that person.

In this case, the respondent no.1, as a beneficiary of the probated will of her father-in-law had applied for mutation. The Authorities claimed mutation fees from her. She was told that she could not avail of the benefit of the Notification dated September 2, 2013, since she was not closely related by blood to the testator as per the said Notification. Hence, she challenged the Notification. She succeeded before the learned Single Judge. The State has come up in appeal before us.

We need not decide the appeal on merits. Mr. Das, learned Advocate appearing for the State apprises us that he has been instructed that the Finance Department of the State Government has taken a decision that the daughter-in-law of a person shall also be regarded as closely related by blood to that person. Notification to that effect is scheduled to be issued within a week. Hence, Mr. Das says, and rightly so, that there is no point in proceeding with the appeal.

In view of the Notification that is scheduled to be issued within a week, we trust and hope that the mutation application made by the respondent no.1 shall be processed and decided at an early date.

F.M.A. No.1685 of 2019 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

**(Rai Chattopadhyay, J.)**

**(Arijit Banerjee, J.)**