

03.01.2022
rc/ct.no.10
Item No.38

WPA No. 17728 of 2021
Smt. Ratna Acharya
Versus
The State of West Bengal & Ors.

Mr. Arun Kumar Das	...for the petitioner
Mr. Chandi Charan De	
Mr. Somnath Mukherjee	...for the State

The grievance of the petitioner is that the land in question was granted to the father-in-law of the petitioner, Narayan Chandra Acharyya, since deceased, as distressed refugee. Narayan Chandra Acharya was in occupation of the land with his family members and died intestate on October 13, 1989, leaving behind his wife, son and four daughters. His son expired on September 30, 2012 leaving behind his wife, Smt. Ratna Acharya, the present petitioner herein, his son and grandson. Chinu Bala Acharya, wife of the original allottee requested the respondent no. 6 to execute and register freehold title deed in her favour in respect of the plot in question after obtaining “no objection” from her daughters. She further requested for registration of freehold title deed in the name of her daughter-in-law, the present petitioner. The name of the present petitioner was not included in the freehold title deed due to objection raised by a local club, viz. Sadhin Sangha Club situated adjacent to the plot of land in question. Subsequently, the said club, by a letter addressed to the Sub-Divisional Officer, Serampore on

August 25, 2010 recorded their consent to issue the freehold title deed in favour of the mother-in-law of the petitioner, Chinu Bala Acharya. Chinu Bala Acharya also expired in the meantime. The petitioner requested the concerned authority to execute and register the freehold title deed in respect of the plot of land in question in her favour but such request has not been considered by the authority. The petitioner seeks liberty to submit a representation in this regard before the authority and prays for a direction upon the authority to consider such representation at the earliest.

Upon consideration of the submission 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 submit a representation in this regard before the respondent no. 4 within a week from date. The respondent no. 4 shall consider and dispose of the representation within three months from the date of receipt of such representation, after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition being WPA No. 17728 of 2021 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)