

S/L 24
8.3.2022
Court. No. 19
sn

WPA 18686 of 2021

Mrinal Chowdhury
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Bikash Ranjan Bhattacharyya..Sr.Adv.
Mr. Udai Sankar Chattopadhyay
Mr. Suman Sankar Chattopadhyay
Mr. Santanu Maji
Mr. S.Das
Ms. Trisha Rakshit

... for the Petitioner.

Mr. Raja Saha
Mr. Subhendu Banerjee

..for the State

Mr. Soumitra Bandopadhyay
Mr. Subhasis Bandopadhyay

..for the municipality

Learned advocate for the Burdwan municipality submits that the notice served upon the municipality was defective. The lack of information, prevented the municipality from attending the Court on the first day. However, the municipality submits that the writ petition has been filed prematurely. The municipality has not yet taken any decision with regard to the prayer of the petitioner for renewal of the lease granted to the petitioner, 30 years ago. Admittedly, the lease was granted to the petitioner in respect of plot no. 3183 pertaining to J.L. no .39, Khatian no.1165/6, in Mouza Radhanagar for a period of 30 years

commencing from March 8, 1991. The lease has expired, but not yet renewed.

The petitioner was permitted to use the said land for commercial purpose and construct a building for commercial use. The lease deed provided that the lessee would be entitled to renew of the said lease. The annual rent increased by 10% every five years.

It is submitted by Mr. Bandopadhyay, learned advocate for the municipality, that the writ petition has been filed on an assumption that the lease would not be renewed, whereas the municipality has not yet taken any decision with regard to the prayer of the petitioner for renewal of the concerned lease.

Having considered the rival contentions of the parties, this writ petition is disposed with a direction upon the Board of Councillors to be constituted, shortly, to take a decision on the prayer of the petitioner for renewal of the aforementioned lease upon hearing the petitioner and by intimating to the petitioner, the necessary formalities which were required to be complied with under the law, for grant of such renewal.

The petitioner shall comply with the directions and accordingly a reasoned order shall be passed and communicated to all concerned, within three months from date.

The entire exercise shall be completed within a period of three months from the constitution of the Board of Councillors. As the petitioner is continuing to be in possession, the petitioner shall not be disturbed for a period of five months from date.

This order shall not be construed as an opinion of the Court with regard to the right of the petitioner to continue to be in possession without renewal of the lease.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are to act on the server copy of this order.

(Shampa Sarkar, J.)