

September 20, 2022
ARDR
(144)

WPA 18903 of 2022

Smt. Nidhi Saraf
Vs.
The State of West Bengal & Ors.

Mr. N. C. Bihani,
Mr. Soumyajit Ghosh,

...for the petitioner.

Mr. Partha Pratim Roy,
Mr. Ram Chanra Guchait,

...for the State.

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

Heard learned counsels for the parties.

The plot in question was initially allotted to one Chabi Sarkar by virtue of a deed of lease executed by the State of West Bengal on May 29, 1974. The said lessee transferred her right, title and interest in respect of the property in favour of her four brothers upon prior permission of the State Government, granted vide memo dated September 27, 1984 and a registered indenture was executed by the said lessee on November, 12, 1984. Three of the brothers being the subsequent lessees, gifted their shares of the property to the fourth brother Uday Shankar Sen by virtue of a deed of gift dated 12th October, 1988. Uday Shankar Sen took loan of Rupees Two Crores Fifty Lakhs from the Union Bank of India, Salt Lake Branch and upon failure to repay the said loan, demand notice was issued by the Bank to him and the Bank took possession of

the concerned property under the relevant Act and conducted e-auction on May 6, 2015 for sale of the property. The petitioner purchased the property in auction sale and sale certificate was issued in her favour on May 18, 2015. Deed of conveyance was issued by the Bank in favour of the petitioner on July 23, 2015 whereby the property was transferred in favour of the petitioner. The Bank issued a letter to the Land Manager, Urban Development Department, Government of West Bengal on 10th June, 2015 intimating the said sale and requesting the authority to incorporate the name of the petitioner in the records.

The grievance of the petitioner is that the petitioner approached the authority for mutation of her name by several representations which were not heeded to. The petitioner prays for a direction upon the authority to consider her representation and take necessary steps for mutation of the property in her favour.

It is submitted on behalf of the respondents that the 3rd respondent be directed to consider the representation of the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider the representations submitted by the petitioner dated 28th April, 2017 and 28th July, 2022 within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons

including the petitioner/her authorised representative, in accordance with law.

It is expected that necessary consequential steps shall be taken by the authority within a month thereof.

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

With the above directions, WPA 18903 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.)