

WPA 26069 of 2017

Dr. Jagadish Chandra Tarafdar
Vs.
The State of W.B. & Ors.

Mr. Rajdip Ray
Mr. Sandip Ray ...for the petitioner.

Mr. L. M. Mahata
Mr. P. B. Mahata ...for the State.

Heard learned counsels for the parties.

The notice of termination of the lease of the petitioner issued by the Estate Manager, Kalyani on 3rd May, 2017 has been assailed in the writ petition.

One Ajit Kumar Ghosh was granted lease in respect of the plot in question by the Government of West Bengal by virtue of deed of lease executed on 7th August, 1987 and the said lessee transferred his leasehold right in favour of the petitioner by way of a registered instrument on 24th June, 1988.

The petitioner being a scientist and having to travel throughout the globe, was unable to raise construction in the plot in question in terms of the deed of lease though sanctioned plan was issued in his favour. Such construction could not be commenced due to his transfer to other places. Upon retirement of the petitioner, the petitioner returned to the leasehold property only to find

the notice of termination being pasted therein by the authority.

The petitioner prays for revocation of the said termination notice and an opportunity to continue with his leasehold interest by raising construction in the plot.

It is submitted on behalf of the State respondents that since the petitioner did not comply with the terms and conditions of the deed of lease, the authority was constrained to terminate the said lease and re-enter into the plot in question.

The petitioner seeks to submit a comprehensive representation before the concerned authority stating the entire facts and annexing relevant documents in support of his contention and prays for a direction upon the concerned authority to consider the said representation favourably and recall the notice of termination issued by them.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 2nd respondent within two weeks from date. The 2nd respondent shall consider and dispose of the representation within a period of two months from the date of receipt thereof, upon affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to consider the petitioner's contention independently without being influenced by any observation that may have been made in this order.

With the above observations and directions this writ petition being WPA 26069 of 2017 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)