

February 07, 2022

ARDR

(8)

WPA 11662 of 2020

Sanjib Kundu

Vs.

The State of West Bengal & Ors.

Mr. Pradyumna Sinha,
Ms. Sannidhya Datta,
Mr. Sidhant Chowdhury,

...for the petitioner.

Mr. Chandi Charan De,
Mr. Anirban Sarkar,

....for the State.

Liberty is granted to the petitioner to add the Additional District Magistrate, Refugee Rehabilitation Department, Malda as party respondent no.6.

The cause title of the writ petition be amended accordingly.

It is contended on behalf of the petitioner that Narayan Chandra Kundu was allotted the land in question and possessed the same by constructing a dwelling house therein along with his brothers Pran Gobinda Kundu and Manoranjan Kundu. Subsequently, Narayan Chandra Kundu gifted the land in favour of Pran Gobinda Kundu and Manoranjan Kundu by virtue of a registered deed dated 8th April, 1961. Narayan Chandra Kundu expired on 28th May, 1998. The other two brothers Pran Gobinda Kundu and Manoranjan Kundu amicably partitioned the property between themselves by virtue of a registered deed of partition and

constructed separate residential buildings in accordance with the sanctioned plan. The said two brothers also expired and the present petitioner, being the legal heir of Manoranjan Kundu along with his mother and three brothers started occupying the property in question by way of inheritance.

The petitioner complains that a notice of revocation of the leasehold interest was issued upon their predecessor Narayan Chandra Kundu, since deceased, on 3rd September, 2014 and the allotment was revoked by an order dated 13th October, 2014, also issued in the name of Narayan Chandra Kundu, since deceased.

Learned counsel for the petitioner submits that upon transfer of the property by Narayan Chandra Kundu in favour of his brothers by virtue of a deed of gift, the property became a freehold property and the Refugee Rehabilitation Department had no authority to issue the notice of revocation, more so, as the erstwhile owner Narayan Chandra Kundu expired much prior to issuance of said notice.

Learned counsel for the State respondents submits that upon enquiry it was found that Narayan Chandra Kundu resided elsewhere and his brother and sister were residing in the allotted plot. Learned counsel for the respondent further submits that the petitioner may be granted liberty to submit a

representation before the concerned authority stating the entire facts and the concerned authority shall dispose of such representation within a stipulated time frame.

Upon considering the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to submit a representation before the Additional District Magistrate, Refugee Rehabilitation Department, Malda, the 6th respondent herein, ventilating his grievance within a period of seven days from date. The concerned authority shall consider and dispose of the representation within a period of two months from the date of receipt of such representation after 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 with a week thereof.

With the aforesaid directions, WPA 11662 of 2020 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.)