

WPA 80 of 2017

Sunil Chandra Debnath
Vs.
The State of W.B. & Ors.

Mr. Sandip Ray ...for the petitioner.

Mr. Indranil Roy
Mr. Tapas Kr. Mandal ...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that one Gourango Chandra Sil, since deceased, was granted lease in respect of the plot in question at Kalyani for a period of 999 years by virtue of lease agreement upon payment of requisite fees.

The lessee executed a Will in favour of the petitioner respect of the said plot and after demise of the lessee, the petitioner obtained probate of the said Will on 20th April, 2013.

The petitioner applied for mutation of the property in his name with the respondent authority, which was turned down by the latter on the ground that the lease in favour of the original lessee was terminated in the year 1972.

Learned counsel for the petitioner submits that no notice was served upon the lessee prior to termination of the lease.

The petitioner seeks to submit a comprehensive representation before the concerned authority in this

regard and prays for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 2nd respondent be directed to consider the representation, in accordance with law.

In view of the above, 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 is directed to consider and dispose of the representation within a period of four weeks from the date of receipt thereof after granting reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law and in the light of the observation made in this order including the fact as to whether show-cause notice was issued upon the original lessee prior to termination of the lease.

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

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.)