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19.01.2023
jb.

W.P.A. 3475 of 2019
(Shiksha Niketan High School & Ors. vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
.... For the Petitioners
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

It is contended on behalf of the petitioners that the petitioners are in possession of the plot in question and run the school namely Shiksha Niketan High School therein. The first petitioner made an application on 29th October, 2003 for issuance of patta in respect of the said land which was agreed upon by the Land and Land Reforms Department who said that long term lease would be granted in favour of the school. The Joint Secretary to the Government of West Bengal, by a letter issued to the Principal Secretary to the Government of West Bengal, Minorities Development and Welfare and Madrasah Education Department on 3rd February, 2010 recorded that the land could be settled in favour of the school upon obtaining prior approval of the Cabinet. Such approval was sought by the Deputy Secretary (Administration), by a letter issued on 25th September, 2017. But no further communication was made to the petitioners. Since the school has been continuing in the plot in question, the petitioners pray for a direction upon the concerned

authority to issue patta/long term lease in favour of the school at the earliest.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the matter is pending consideration before the Cabinet, the first respondent be directed to take necessary steps in this regard and communicate the decision taken on the matter in issue to the school within a stipulated time frame.

In view of the above, the writ petition is disposed of directing the first respondent to take necessary steps with regard to approval of the grant of patta/lease in favour of the school and communicate the decision taken in this regard to the school within two months from the date of communication of this order.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)