

February 16, 2023
ARDR
(112)

WPA 5646 of 2017

Rama Nandy & anr.
Vs.
The State of West Bengal & Ors.

Adv. Debjit Mukherjee,
Adv. S. Chatterjee,
Adv. D. Ganguly,
Adv. K. Bhattacharya,
...for the petitioner.

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

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexures thereto upon Mr. De in course of this day.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that their predecessor-in-interest was granted lease in respect of the land in question which is vested land and had been running his business therein till date. The said predecessor expired during pendency of the writ petition and the petitioners being his heirs, have stepped into his shoes. An inspection was held by the Block Land & Land Reforms Officer, Gangarampur, Dakshin Dinajpur in the said plot of

land in presence of the predecessor and by a letter issued by the Additional District Magistrate and District Land & Land Reforms Officer, Dakshin Dinajpur, Balurhat on 15th February, 2016 to the predecessor-in-interest of the petitioners, it was informed that a proposal for long term settlement of the land was sanctioned by the Land and Land Reforms Department vide memo dated 18th January, 1999 for a term of ninety nine years on realisation of *salami* and rent. The petitioners are agreeable to pay the amount determined by the respondents and approached the authority several times for the same. But such payment has not been received by the authority. The petitioners pray for a direction upon the authority to accept the *salami* and rent from the petitioners in respect of the land in question and execute the long term settlement in their favour.

It is submitted on behalf of the respondents that the 3rd respondent be directed to consider the prayers made by the petitioners in accordance with law.

In view of the above, the writ petition, being WPA 5646 of 2017 is disposed of directing the 3rd respondent to deal with the request of the petitioners and execute the long term settlement in their favour in terms of the memo dated 18th January, 1999 communicated to the petitioners/their predecessor by a letter dated 15th February, 2016, upon the petitioners paying the entire rent and *salami* as assessed by the authority. The petitioners are at liberty to approach the authority within two weeks

from date and the entire exercise is expected to be completed within two months thereof.

With the above directions, the writ petition 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.)