

S/L 26
03.08.2023
Court. No. 29
Suvayan

WPA 5983 of 2015

Jitendra Nath Banerjee
Vs.
The State of West Bengal & Ors.

Mr. Shamit Sanyal
Ms. Priyakshi Banerjee

...for the petitioner.

1. Writ petitioner is represented by his learned Advocate, Ms. Priyakshi Banerjee.
2. None appears on behalf of State in spite of service.
3. From the materials as placed before this Court and after hearing Ms. Banerjee, learned Advocate for the writ petitioner it appears to this Court that a registered deed of lease dated February 23, 1984 was executed by and between the respondent No. 1/State and the writ petitioner for occupying six acres of land, particulars of which has been mentioned in the schedule of the said deed of lease for the purpose of setting up refractory works and that the writ petitioner shall hold the schedule mention property as a lessee of the said land subject to payment of rent of Rs. 2,376/- per annum. The said lease deed also contains a renewal clause for successive 30 years subject to payment of increased rent as per the provisions of law.
4. Immediately before the expiry of the term of the said registered lease deed dated February 23, 1984 the writ petitioner approached the respondent/State for renewal of the said lease for another period of 30 years and the respondent authorities found that the such lease

may be renewed in favour of the present writ petitioner as a lessee and the annual rent for the proposed lease was fixed to the tune of Rs. 1,87,200/-. The writ petitioner was aggrieved with the quantum of annual rent as fixed by the respondent authorities and accordingly he has submitted representation before the respondent authorities on 14.11.2014 and also subsequently stating *inter alia* that the fixation of annual rent as made by the respondent authorities is excessive, without any basis and defective in view of the fact as per the assessment of the BL & LRO the valuation of the leasehold land was assessed to the tune of Rs. 6,44,598/- whereas as per valuation fixed by District Registrar, Bankura the valuation of the land has been assessed to the tune of Rs. 46,80,000/-.

5. On the basis of such representation and also on the basis of an RTI application, BL & LRO Barjora, Bankura has forwarded a gist of the value assessment statement for renewal of long term lease in respect of the said leasehold property which according to the petitioner is not justifiable in the eye of law and, therefore, the writ petitioner has approached this Court for issuance of writ of mandamus against the respondent authorities for cancellation and/or rescinding the relevant memo dated 10.11.2014 whereby the present writ petitioner was directed to pay annual rent of Rs. 1,87,200/- for the proposed renewal of lease.

6. After hearing the learned Advocate for the writ petitioner and on perusal of the entire materials as placed

before this Court, this Court finds that since the present writ petitioner is aggrieved with the quantum of annual rent as fixed by the respondent authorities for the leasehold land and since there lies a *prima facie* discrepancy with regard to the valuation made by the BL & LRO, Barjora and District Registrar, Bankura in respect of the self-same leasehold land, justice would be subserved if the respondent No. 5/The Block Land & Land Reforms Officer, Barjora, Post Office and District – Bankura directed to consider and revisit the representations as made by the writ petitioner on 14.11.2014 and 06.02.2015 as preferred before the respondent No. 4.

7. In view of such, the respondent No. 5/ The Block Land & Land Reforms Officer, Barjora, Post Office and District – Bankura is directed to consider the instant writ petition as a fresh representation of the writ petitioner provided the respondent No. 5 is served with a copy of the instant writ petition together with all annexures within 8 weeks from the date of passing of this judgment.

8. The respondent No.5/ The Block Land & Land Reforms Officer, Barjora, Post Office and District – Bankura is directed to give an opportunity of hearing either to the writ petitioner or to his learned Advocate in support of the representation as mentioned above and thereafter shall pass a reasoned order within 30 days from the date of conclusion of hearing before him.

9. It is further directed the result of such representation shall have to be communicated to the writ

petitioner by the respondent No. 5 either by speed post or through email within a fortnight from the date of passing of the reasoned order by the respondent No. 5.

10. With the aforementioned observation, the writ petition being WPA 5983 of 2015 is disposed of.

11. Parties to act on the server copies of this order.

12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)