

July 5, 2023
(26) ARDR

WPA 9543 of 2023

Bapi Majumder
Vs.
The State of West Bengal & ors.

Adv. Deblina Lahiri,
Adv. Moumita Sharma,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

It is contended on behalf of the petitioner that though several refugees including the petitioner's father were accommodated in the several plots in Mouza 84, Jadavpur, under Gayeshpur Municipality and have been residing therein by constructing respective dwelling houses, no deed/*patta* was executed in their favour by the respondents. The petitioner's father made applications before the concerned authority for registration of freehold title deed in his favour and after his demise on 3rd March, 2007, the petitioner being his sole legal heir residing in the said plot, applied before the authority for grant of freehold title deed in his favour. The petitioner was directed to submit his prayer in a prescribed proforma along with an affidavit and his refugee status certificate with present residential proof but the said proforma was not made available to him by the authority. The petitioner approached this Court seeking a direction upon the

authority to provide him the application format in order to enable him to apply for the freehold title deed. By an order passed on 21st January, 2022 in WPA 215 of 2022, this Court directed the Sub-Divisional Officer, R. R. Section, Kalyani to provide the application format to the petitioner as referred to in the letter dated 3rd August, 2021 issued by the District Rehabilitation Officer (LR & RR), Nadia within one month from the date of communication of the order.

Pursuant to the said order, the required format was made over to the petitioner and the petitioner applied for execution of freehold title deed on 28th March, 2022 annexing all relevant documents. Since no step was taken by the concerned authority, a letter was issued on behalf of the petitioner on 4th November, 2022 requesting consideration of the petitioner's prayer. In reply thereto, the Sub-Divisional Officer, Kalyani, Nadia, by a letter issued on 29th November, 2022, informed that no such prayer was found in his office. The petitioner sent a further prayer before the Sub-Divisional Officer on 7th December, 2022 annexing an additional copy of the application along with relevant documents.

It is submitted on behalf of the petitioner that no step has been taken by the authority for issuance of freehold title deed in favour of the petitioner till date. The petitioner seeks to submit a comprehensive representation annexing relevant documents before the concerned authority and prays for a direction upon the authority to consider the representation within a stipulated time frame.

It is submitted on behalf of the respondents that the 7th 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 7th respondent within ten days from date. The 7th respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

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

In the event the representation is decided in favour of the petitioner, it is expected that the authority shall take necessary steps for execution of the freehold title deed in favour of the petitioner subject to the petitioner complying with all requisite formalities.

With the aforesaid directions, WPA 9543 of 2023 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)