

23.06.2023
rc/ct.no.10
Item No.17

WPA No. 11894 of 2023
Dr. Rajashree Ray Bandyopadhyay
Versus
The State of West Bengal & Ors.

Mr. Sounak Bhattacharjee
Mr. Soumyadip Panda
Mrs. Granthana Kayal ...for the petitioner

Mr. Chandi Charan De
Mrs. Chandana Ghosh
Mr. Anirban Sarkar ...for the State

Mr. Dyutiman Banerjee ...for the added respondent

Heard learned counsels for the parties.

It is not in dispute that the leasehold property was originally leased out to the predecessor in interests/parents of the petitioner and the private respondent. After their demise, probate case filed before the appropriate forum in respect of the property is pending.

Learned counsel for the petitioner submits that the petitioner inducted three tenants in different portions of the property for which a show cause notice has been issued upon her by the concerned authority being the Land Manager, Bidhannagar on the ground that no prior permission from the department was taken for induction of the tenants. The petitioner submitted applications before the concerned authority for post-facto approval of such induction which are yet to be considered. The petitioner

prays for a direction upon the authority to consider the applications at the earliest.

Learned counsel for the added respondent submits that since probate case in respect of the property in question is pending, title of the property is yet to be ascertained.

Be that as it may, since the applications submitted by the petitioner before the concerned authority are pending, the concerned authority, being the 3rd respondent herein, is directed to consider and dispose of the applications submitted by the petitioner within a period of six weeks from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the matter independently without being influenced by any observation which may have been made in this order.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)