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09.04.2024
Ct. No.10
b.das

WPA 11040 of 2018

Swapan Kr. Seal
Vs.
The State of W.B. & Ors.

Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Copy of notification issued by the Department of Urban Development & Municipal Affairs, Government of West Bengal dated 7th March, 2024 submitted by the petitioner is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the plot in question was allotted in favour of the petitioner by the Government of West Bengal on an application for lease made by the petitioner in 1968 and agreement for lease was executed on 7th December, 1978.

Since the petitioner was unable to comply with the terms and conditions of the lease agreement due to several reasons, show-cause notice was issued upon the petitioner as to why the lease agreement would not be terminated and the amount deposited be forfeited for failure of the petitioner to pay the entire amount of salami.

The petitioner requested the respondent authorities to allow him to deposit the entire balance salami together

with interest thereon despite which the lease agreement was terminated on 30th July, 1991.

The petitioner approached this Court by a writ petition against such termination order and by an order passed on 22nd April, 2002 in CO 4876 (W) of 1992 a co-ordinate Bench of this Court set aside the termination order and directed the respondents to take necessary steps for execution of the deed of lease in favour of the petitioner within a stipulated time frame upon payment of outstanding dues by the petitioner. The order was carried in appeal by the State and by an order passed on 4th October, 2007 in MAT 3264 of 2004 an Hon'ble Division Bench of this Court set aside the order of the learned Single Judge and remanded the matter back to the learned Single Judge for a decision on merits in accordance with law.

Pursuant thereto, the matter was taken up by this Court and by an order passed on 11th July, 2017 in WP 4876 (W) of 1992, the Court directed the Principal Secretary, Urban Development Department, Government of West Bengal to reconsider the decision of the Government by exploring the possibility of validating the lease of 1969 in favour of the petitioner on such terms and conditions as he would think fit and proper upon giving a short hearing to the petitioner, within a stipulated time frame.

In compliance with the said order, the concerned authority, by the order impugned, turned down the prayer

of the petitioner for re-allotment of the land in his favour. The said order is impugned in the writ petition.

Today, learned counsel for the petitioner produces a notification issued by the Department of Urban Development & Municipal Affairs, Government of West Bengal on 7th March, 2024 which deals with the guiding principles relating to regularization of allotment of land.

The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and prays for direction upon the concerned authority to consider the representation in the light of the notification dated 7th March, 2024 at the earliest.

It is submitted on behalf of the State respondents that the 1st respondent be directed to deal with the representation in accordance with law.

Learned counsel for the respondents submits that the order impugned is a reasoned order and requires no intervention by this Court.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 1st respondent within a week from date. The 1st respondent is directed to consider and dispose of the representation within three months from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioner and in the light of the notification dated 7th March, 2024, in accordance with law.

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

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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)