

July 07, 2023
(15) ARDR

WPA 15142 of 2023

Madanlal Jaiswal @ Shaw & ors.
Vs.
The Kolkata Metropolitan
Development Authority & ors.

Adv. Partha Chakraborti,
Adv. Poulami Dutta,
...for the petitioner.
Adv. Naba Kumar Das,
Adv. Pathik Bandhu Banerjee,
...for the KMDA.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

The petitioners seek a direction upon the Secretary, Kolkata Metropolitan Development Authority (in short KMDA), the 2nd respondent herein, to consider the representation submitted by them on 16th January, 2023 requesting approval for assignment of leasehold right of the property in question for the residual period of the lease.

Learned counsel for the petitioners submits that the leasehold right of the property in question was granted to one Jitendralal Bhattacharya and after his demise, his son Jyotirmoy Bhattacharya inherited such right by virtue of a Will executed by the erstwhile lessee. Jyotirmoy Bhattacharya intends to assign the leasehold right for the residual period of the lease in favour of the petitioners for which the petitioners applied for approval before the concerned authority. Such representation is pending.

Learned counsel for the KMDA submits that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 16th January, 2023 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

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

With the aforesaid directions, WPA 15142 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.)