

289
18.09.2023
Ct. No.10
b.das

WPA 16651 of 2023

Dola Debnath (Paul)

Vs.

The State of W.B. & Ors.

Mr. Madhu Sudan Sarkar

Mr. M. Sarkar

...for the petitioner.

Mr. Chandi Charan De

Mr. Sanjib Dutta

...for the State.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner's grandfather Hara Mohan Debnath was allotted the plot in question by the Refugee Rehabilitation Commissioner and upon receipt of possession thereof, the allottee constructed his residential building therein.

The petitioner's grandfather and thereafter her father expired and the petitioner's family includes her uncle (private respondent herein), her aunt Shefali Debnath and herself. The petitioner complains that the government officials held an enquiry in respect of the plot in question in her absence and upon representation made by the private respondent before the government to the effect that he is the sole legal heir of the original allottee, the government

decided to execute free hold title deed in favour of the private respondent though the plot in question is in possession of the petitioner.

The petitioner submitted a representation before the concerned authority on 14th May, 2023 requesting further enquiry in her presence and issuance of free hold title deed by including her name therein, which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 2nd respondent be directed to consider the representation, in accordance with law.

Learned counsel points out that since the representation submitted by the petitioner records that the Additional District Magistrate (Land Reforms and Refugee Rehabilitation Department) South 24 Parganas was directed to execute free hold title deed as per direction of the Assistant Secretary vide memo dated 9th February, 2021, free hold title deed may have already been executed.

Learned counsel for the petitioner, in reply to the same submits that no such free hold title deed has been executed till date.

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 14th May, 2023 within one month from the date of communication of

this order upon 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.

Pending disposal of the representation no free hold title deed be issued in respect of the plot in question, if not already issued.

However, there shall 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.)