

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 16918 of 2023

**Sri Shyam Sunder Kasat and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Rajdeep Bhattacharya
Mr. D. Mitra
..for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
..for the State Respondents

Item No.04

Heard & Judgment on: 02.08.2023

Bibek Chaudhuri, J.

One Anandi Devi Agarwala, since deceased was the original lessee in respect of plot No. CD-71, Sector-I, Salt Lake City, Calcutta-700 064. During her lifetime the said Anandi Devi Agarwala executed her last will and testament on 26th July, 2005 and bequeathed the property in favour of two petitioners. After the

death of the said Anandi Devi Agarwala the petitioners obtained probate from a probate proceeding in the Original Side of this Court. On grant of probate the petitioners approached the concerned authority including the Land Manager, Bidhannagar Urban Development Department and the Land Manager and O.S.D. and Ex-Officio Deputy Secretary to the Government of West Bengal, Urban Development Department on 19th December, 2022 to mutate their names on the basis of the probate will executed by Anandi Devi Agarwala, since deceased.

The grievance of the petitioners is that the said representation has not been considered as yet.

The learned advocate for the State Respondents frankly submits that the respondent No.4 is duty bound to dispose of the representation filed by the petitioner within a reasonable period of time. Since the respondent No.4 has failed to discharge his official duty, he may be directed to consider the representation filed by the petitioners within specific period of time.

I have heard the learned advocates for the petitioners and the State Respondents.

It is of course the statutory duty of the Land Manager to consider the representation submitted on behalf of the petitioners by their learned advocate on 19th December, 2022.

For the reasons what has been stated above, the instant writ petition is disposed of directing the Land Manager, respondent No.4 herein to dispose of the representation by passing a reasoned order within 60 days from the date of communication of this order passed by this Court. The respondent No.4 is at liberty to examine the original probate granted by this Court in favour of the petitioners. He is also at liberty to call for and examine the documents relating to the said property which are under the custody of the petitioners for the purpose of mutation in the light of the Division Bench decision in the case of **The State of West Bengal and Ors. versus Kusum Agarwal and Ors.** reported in **2019 1 CLJ 417** and an unreported decision passed in **WPA 22498 of 2019 (Smt. Sandhya Rani Mondal and Ors. versus The State of West Bengal and Anr.)** decided on 29th September, 2021.

With the above order the instant writ petition is **disposed of**.

There shall be, however, no order as to costs.

(Bibek Chaudhuri, J.)