

August 28, 2023

ARDR (6)

WPA 19820 of 2023

Ariful Islam

Vs.

The State of West Bengal & ors.

Adv. Mohinoor Rahaman,
Adv. Maria Rahaman,
Adv. Iqra Rahaman,

...for the petitioner.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

It is contended on behalf of the petitioner that the pro-grandfather of the petitioner Sk. Sajjad Karim, since deceased, was granted lease in respect of *Khas Mahal* in C.C. holding no. 3-2-59 at 39/2, Canal East Road, Kolkata – 700011 comprising an area of 9 cottahs 19 chittacks and 30 square feet by the respondents for a period of ninety years at a yearly rent of Rs.578.12 paise by virtue of an agreement for lease executed by and between the parties on 19th November, 1953. The lessee during his lifetime and thereafter the legal heirs of the lessee including the petitioner paid rents for the leasehold property till 18th November, 2011. Thereafter, the petitioner and other legal heirs, by several communications requested the authority to accept the rents/taxes from them, but to no effect. By a letter issued on 17th November, 2022, the Additional District Magistrate and District Land & Land Reforms Officer, 24 Parganas, South, Alipore being the 3rd respondent herein, issued notice upon the petitioner and

other legal heirs demanding an amount of Rs.43,23,454/- as rent along with interest. The petitioner submitted a representation before the concerned authority on 8th March, 2022 requesting review of the demand and waiver of penalty. The representation is yet to be considered. The 3rd respondent issued a further demand notice upon the petitioner and others on 18th July, 2023 requesting payment of the amount due failing which the lease was under threat of termination.

The petitioner seeks a direction upon the authority to consider the representation submitted by him and further direction for stay of the notice dated 18th July, 2023 in the meantime.

Learned counsel for the respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 8th March, 2022 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within one month thereof.

The notice dated 18th July, 2023 shall remain stayed for a period of seven days after receipt of the order.

With the aforesaid directions the writ petition, being WPA 19820 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.)