

28.11.2023
rc/ct.no.10
Item No.16

WPA No. 21404 of 2022
Arijit Majumdar
Versus
State of West Bengal & Ors.

Mr. Rajdip Ray
Mr. Sandip Ray ...for the petitioner

None appears for the State respondents despite service.

Heard learned counsel for the petitioner.

The petitioner claims to have acquired title in respect of the plot in question by virtue of purchase from the proforma respondent/ original lessees vide a deed executed on December 29, 1971. The petitioner applied for mutation of the property in his name which not being considered by the authority, the petitioner approached this Court in a writ petition being WPA No. 20264 of 2019. By an order passed on October 08, 2021 this Court directed the concerned authority to dispose of the representation submitted by the petitioner on June 19, 2018 within three months from the date of communication of the order upon affording reasonable opportunity of hearing to all the affected parties including the petitioner.

Pursuant to this order, the concerned authority requested the petitioner to submit relevant documents for consideration of his representation. The petitioner submitted relevant documents by a letter addressed to the

Estate Manager, Kalyani, Urban Development Department, Government of West Bengal on May 04, 2022. A joint field enquiry was held on June 30, 2022 but no further communication has been made to the petitioner since then. The petitioner seeks a direction upon the authority to consider his representation in terms of the field enquiry as well as documents submitted by the him.

Upon consideration of the submission made on behalf of the petitioner and material on record, this Court is inclined to hold that since the representation submitted by the petitioner is pending before the authority and also since joint field enquiry has already been held, the authority, being the 4th respondent herein, be directed to consider and dispose of the representation submitted by the petitioner for grant of mutation in his favour within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

Since the 4th respondent is not represented, the petitioner is directed to serve a copy of this order upon the 4th respondent at the earliest.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)