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21.12.2023
Ct. No.10
b.das

WPA 23329 of 2023

Arup Goswami & Anr.
Vs.
The State of W.B. & Ors.

Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy ...for the State.

Report in the form of affidavit submitted on behalf of the 2nd respondent is taken on record.

Heard learned counsels for the parties.

The petitioners are the legal heirs of the original lessee Gokul Chandra Goswami, since deceased, who was allotted the plot in question in Kalyani Township by virtue of an agreement for lease for 999 years executed on 31st August, 1963. Upon demise of the original lessee and thereafter his wife, the petitioners stepped into the shoes of their predecessor-in-interest.

The petitioners applied for mutation of the property in their names as well as execution of deed of lease in their favour on 5th February, 2023, which is yet to be considered. The petitioners pray for a direction upon the authority to consider the application at the earliest.

Learned counsel for the respondents submits that inspection of the premises reveals that a two-storied building has been constructed therein.

It is not in dispute that the application submitted by the petitioners is pending consideration by the authority and no lease deed has been executed in favour of the original lessee or the petitioners though the land was allotted to the original lessee on 31st August, 1963.

In view of the above, this Court is inclined to hold that since the online application made by the petitioners on 5th February, 2023 is admittedly pending consideration by the authority, the concerned authority, being the 2nd respondent herein, be directed to consider and dispose of the application within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned 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 above observations and directions the writ petition 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)