

04
24.02.2023
Ct. No.10
b.das

WPA 25085 of 2022
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CAN 1 of 2022

Mr. Partha Pratim Roy
Mr. Tanmoy Mukherjee
Mr. A. K. Saha
Mr. I. Paul ...for the petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas ...for the State.

Mr. Somnath Ghosal
Mr. S. Sengupta
...for the applicants in CAN 1 of 2022.

In re: **CAN 1 of 2022**

Learned counsel for the intervenor submits that the intervenor does not want to proceed with the application.

In view of the same, the application being CAN 1 of 2022 is dismissed for non-prosecution.

In re: **WPA 25085 of 2022**

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

None appears for the private respondent despite service.

It is contended on behalf of the petitioner that the private respondent transferred 75 per cent of the property in question in favour of the petitioner by virtue of instrument of assignment executed on 10th March, 2021 upon payment of consideration to the tune of Rs.2,20,00,000/- out of the entire consideration amount of Rs.2,45,00,000/-.

A title suit was filed by one Bimalendu Biswas, who is the owner of the remaining 25 per cent of the property against the original lessee challenging the transfer in favour of the petitioner. The said suit was dismissed for default by an order passed on 4th March, 2021.

The petitioner has prayed for issuance of writ of mandamus directing the respondents to grant permission for transfer of the property in question and thereafter execute necessary deed in favour of the petitioner.

The petitioner submitted a representation in this regard before the concerned authority on 26th March, 2021, pursuant to which the matter was heard by the authority on 22nd July, 2021. By a letter issued on 28th July, 2021, the concerned authority requested an explanation from the petitioner with regard to the pendency of the title suit.

In reply, the petitioner submitted a letter through his learned counsel on 28th September, 2022 stating the entire facts, including the downloaded copy of the order of dismissal of the suit. But the same has not been considered by the authority.

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 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 26th March, 2021 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition being WPA 25085 of 2022 is disposed of.

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.)