

09
03.08.2023
Ct. No.2
b.das

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA No. 1509 of 2023

Subir Kumar Dasgupta
Vs.
The Indian Oil Corporation & Anr.

Mr. Anirban Banerjee ...for the petitioner.

Mr. Bikramaditya Ghosh ...for IOCL.

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

The plot in question originally belonged to one Babulal Singh, who leased out the same in favour of one Caltex India Ltd. by virtue of a registered deed of lease dated 9th June, 1969 for a period of 20 years commencing from 1st February, 1969 with option for two successive renewals for five years each. The lease expired after expiry of the renewals on 31st January, 1999.

The erstwhile owner also expired and his legal heirs transferred the land in favour of the petitioner vide two registered deeds dated 29th March, 1993 and 2nd April, 1993 respectively. The property was taken over by the Indian Oil Corporation Ltd. from

the erstwhile lessee though no fresh deed of lease was executed by and between the parties.

The petitioner subsequently transferred the land in favour of one Dulal Chandra Das vide deed dated 2nd August, 2013.

The petitioner submits that arrear rents for the period from 1st April, 1993 to 31st July, 2013 have not been paid by the respondents.

The petitioner submitted a representation on 7th May, 2012 before the respondents demanding the arrear rents, which is yet to be considered. The petitioner prays for a direction upon the respondents to consider the representation and clear all arrear rents at the earliest.

It is submitted on behalf of the respondents that the 2nd respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 7th May, 2012 within two weeks from the date of communication of this order after granting reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

Necessary consequential steps be taken by the authority within a week thereafter.

With the above observations and directions the writ petition being WPA 1509 of 2023 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.)