

21st May, 2024
(D/L No.176)
(SKB)

WPA 1311 of 2024

Smt. Triveni Jha
Versus
The State of West Bengal and others

Mr. Manas Dan
... for the petitioner.

Mr. Satyajit Talukdar,
Ms. Rwtika Verma
... for the K.M.D.A.

1. The respondent no. 2 being the Chief Executive Officer, KMDA, issued an allotment letter being No. 1739 on 3rd August, 1985 in favour of the husband of the petitioner and thereby allotted a plot of land with core house bearing Plot no. 289 of EWS III, Block-J category-Golf Green in Baishnabghata Patuli Area Development Project being Calcutta Municipal Corporation Holding No. 35/13, P.G.M Shah Road under BPADP Scheme allotted to the petitioner's husband. Under the scheme several plots of land have been allotted for the persons likely to be displaced from their places of the residence in Rajendra Prasad / Jukatanagar Colony, Mouza – Arakpur, P.S. – Jadavpur, District – 24 Parganas for construction of buildings on Golam Mohammad Shah Road as a consequence of acquisition of land for the

construction of link road from Prince Anwar Shah Road to Layalka via Golf Green on payment of price which has been considered by the authority. The petitioner's husband made payment on 16.02.1999 in terms of the letter dated 01.02.1999 as issued by the authority concerned in which the deceased is requested to make payment in accordance with the allotment letter being no. 1739 dated 03.08.1985.

2. It is stated by the learned counsel for the petitioner that the complete payment was made by the deceased husband.
3. The petitioner's husband expired on 13.02.2008. After the death of the petitioner's husband, the respondent no.2 vide letter dated 07.07.2015 informed the respondent that following the death of the petitioner's husband and considering the documents submitted by the legal heirs of the said deceased, the competent authority has allowed to transfer the above mentioned plot of land in the name of the petitioner, being the widow as well as the sole owner of the said land.
4. Despite the said letter, yet lease deed qua the said property has not been executed in favour of the petitioner. Hence, the petitioner vide legal notice dated 4.12.2023 called upon the respondents to

execute the lease deed qua the said property.

However, no action has been taken on the said legal notice.

5. Being aggrieved by the inaction of the respondent/KMDA, the present writ petition has been filed.
6. Learned counsel for the respondent/KMDA submits that they are ready to consider the petitioner's request within a period of six weeks from the date of communication of this order.
7. Let the legal notice be treated as a representation. The representation shall be decided by the respondent/KMDA within a period of six weeks after affording an opportunity of personal hearing to the petitioner, thereafter, a speaking order shall be passed. Needless to state, if aggrieved, the petitioner shall be at liberty to challenge the said order in accordance with law. It is stated by the learned counsel for the respondent that no representation has been made by the petitioner after the transfer has been allowed in the year 2015. Though still the respondent has expressed his willingness to consider the legal notice as a representation and decide the same.
8. Since no affidavits have been called for, none of the facts are admitted in the present case.

9. With the above direction, the writ petition is disposed of.

(Gaurang Kanth, J.)