

04.04.2024

Ct. no.654

Sl. No.187

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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 2606 of 2023
(specially assigned)

Pankaj Dhanuka
Vs.
The State of West Bengal & ors.

Mr. Triptimay Talukder
Mr. Shamba Chakraborty
Mr. Jit Ray
Mr. S. Sil

... for the petitioner

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar

... for the State

By the present writ petition the petitioner has sought for withholding of the mutation proceeding filed by respondent no.4, Soma Chakraborty.

The brief fact of the case in nutshell is that one Sukdeb Chakraborty during his lifetime was the lessee of plot of land being No.133, Block CG, Sector II, Bidhannagar, Salt Lake City, Kolkata-700091. After demise of Sukdeb Chakraborty his wife Sujata Chakraborty and his son Soumyadeb Chakraborty inherited the plot of land in equal share. Smt. Sujata Chakraborty during her lifetime bequeathed her leasehold property in favour of a third party. Said Soumyadeb Chakraborty during the lifetime bequeathed his share of leasehold property in favour of the petitioner by way of a Will dated 10th November, 2012. The petitioner filed probate case being Misc. Probate Case No.37 of 2021

before the learned District Delegate at Barasat for grant of probate of the aforesaid Will. The petitioner on 7th January, 2023 made application before respondent no.3, Land Manager, Urban Development Department and Municipal Affairs, Bidhannagar, praying for not to allow mutation in favour of Soma Chakraborty, wife of the deceased testator. However, during the pendency of such probate proceeding, mutation of share of Soumyadeb Chakraborty, since deceased, has been done in favour of his wife Smt. Soma Chakraborty. The petitioner on 26th December, 2023 through his learned Advocate raised grievance against such mutation allowed in favour of said Soma Chakraborty, however, the Land Manager, Urban Development Department and Municipal Affairs, Bidhannagar has not taken any step. Hence, this writ petition.

None appears on behalf of the respondent no.4.

Mr. Chandi Charan De, learned Additional Government Pleader submits that the representations of the petitioner may be directed to be considered by the respondent no.3, the Land Manager, Urban Development Department and Municipal Affairs, Bidhannagar.

Having heard the learned Advocates for the respective parties, the respondent no.3, the Land Manager, Urban Development Department and Municipal Affairs, Bidhannagar is directed to consider and dispose of the representation of the petitioner dated 7th January, 2023 as well as the issue raised by the petitioner through

his Advocate's letter dated 26th December, 2023 within a period of six weeks from date of communication of this order after giving opportunity of hearing to all the concerned parties including the petitioner, respondent no.4, Soma Chakraborty and Smt. Sikha Samanta by passing a reasoned order.

The result of such decision of the respondent no.3, the Land Manager, Urban Development Department and Municipal Affiars, Bidhannagar shall be communicated to the petitioner within a week thereof.

Learned Advocate for the petitioner is directed to communicate this order to the respondent no.3, the Land Manager, Urban Development Department and Municipal Affiars, Bidhannagar.

With the above directions, this writ petition being **WPA 2606 of 2023** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)