

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi**

**F.M.A. 996 of 2024
With
CAN 1 of 2024**

**Sri Asesh Kinkar Mahapatra
VS.
The State of West Bengal & Ors.**

For the Appellant : Mr. Aniruddha Chatterjee
Mr. Debabrata Roy
Mr. Oishik Chatterjee

For the State : Mr. Suman Ghosh
Ms. Munmum Tewary

Heard on : **November 11, 2024**

Judgment on : **November 11, 2024**

DEBANGSU BASAK, J.:-

1. Appeal is directed against the judgment and order dated June 26, 2024 passed by the learned Single Judge in W.P.A. 32218 of 2013.

2. Learned advocate appearing for the appellant submits that Reeba Das is the original allottee in respect of the plot of land. Reeba Das was granted leasehold interest in respect of such property. He submits that Reba Das subsequently transferred such lease in favour of the appellant. There were litigations between Reba Das and the appellant with regard to the land in question.

3. Learned advocate appearing for the appellant draws the attention of the Court to the order passed by the Division Bench. He submits that the Division Bench directed registration of the transfer between Reba Das and the appellant. Such order was carried out. A deed of lease was duly registered.

4. Learned advocate appearing for the appellant submits that the State accepted lease rental both from the original allottees as well as the appellant. Consequently, today, State cannot deny the right, title and interest of the appellant in respect of the plot in question. He submits that the learned Single Judge erred in not considering such aspects of the matter. Learned Single Judge erred in dismissing the writ petition.

5. State is represented.

6. Learned advocate appearing for the State submits that no lease deed was executed between the State and the original allottee. No right flowed to the appellant. Consequently, State is not in a position to recognize any transfer

of any interest in respect of the property in question between the original allottee and the appellant before Court.

7. We perused the materials produced in Court.

8. We find from such materials that the appellant before us filed a writ petition seeking a direction upon the State authorities to record the name of the appellant in respect of the plot in question.

9. Before the learned Single Judge, State took the stand that no lease deed was executed between the State and the original allottee or the allottee to validly transfer any right, title and interest in respect of the property in question to the appellant or to any third party. Learned Single Judge was persuaded by such submission on behalf of the State and accepted such contention.

10. We find from the records that no lease deed was executed by the State in favour of the original allottee. Appellant is claiming right, title and interest as a lessee in respect of the plot of land which was allotted to the original allottee.

11. As noted above, State is yet to execute any lease deed in favour of the original allottee. Therefore, appellant before us cannot claim any right, title and interest in respect of the same plot of land over which State is yet to execute any lease deed.

12. In such circumstances, we find no merit in the present appeal.

13. **F.M.A. 996 of 2024** and the connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

14. I agree

(Md. Shabbar Rashidi, J.)

S.D.