

Court No. 2
04.12.2024
(Item No. 3)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 20844 of 2024

Saroj Agarwal
VS
The State of West Bengal & Ors.

Mr. Kumar Gupta
Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee
Ms. Sonam Ray
Ms. N. Khatoon

.... For the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Prayabrata Batabyal
Ms. Srijani Mukherjee

.... For the State

Ms. Sreemoyee Mitra

.... For Punjab National Bank

Mr. S. N. Agarwal
Ms. Sujata Adhikary

.... For respondent No. 4

Affidavit-of-service, filed in Court today, is
taken on record.

The petitioner claims mutation in respect of
Plot No. 168, Block – BF, Sector – I, Salt Lake City
– 700 074 (for short, the property). The application
for mutation is **annexure P-10** at **page 52** to the writ
petition. Mr. Kumar Gupta, learned counsel appearing
for the petitioner submits that, the same is pending
before the respondent No. 2 since long. He prays for
disposal of the same in accordance with law.

Ms. Srijani Adhikary, learned State counsel
appears for respondent Nos. 1 and 2. She submits
that, hearing has already commenced. She submits

report dated **September 20, 2024** signed by the respondent No. 2, the same is taken on record. The authority has asked the petitioner to produce certain relevant documents but since the petitioner could not produce the same the hearing could not proceed further.

Mr. Kumar Gupta, learned counsel submits that, the original lease deed executed on **April 18, 1983, annexure P-2** at **page 22** to the writ petition with the parent lessee in whose place the petitioner claims to have stepped into the shoes through her predecessor in interest, **Sunil Kumar Gupta**, since deceased, has been lost.

He submits that, this is a registered Lease Deed. Since, the original Lease Deed has been lost and not in possession of the petitioner, the original could not be produced before the respondent No. 2.

In view of the above, the respondent No. 2 upon issuing a prior hearing notice of at least seven days to the petitioner, Principal Secretary, Urban Development Department, State of West Bengal and respondent No. 3 and after giving an opportunity of hearing to the petitioner, a responsible officer to be deputed by the Principal Secretary, Urban Development Department to attend the hearing and the respondent No. 3 shall dispose of the application

for mutation by passing a reasoned order in accordance with law.

It is made clear that, this Court has not gone into the merits of this writ petition. The respondent No. 2 shall be free to decide the issue independently in accordance with law and shall pass the reasoned order.

The entire exercise shall be carried out and completed by the respondent No. 2 positively within a period of **six weeks** from the date of communication of this order and the reasoned order then shall be communicated to the petitioner and the Urban Development Department positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to her claim for mutation strictly in accordance with law.

It will be open for the respondent No. 2 to consider all the points to be raised by the parties before him and then shall decide the issue.

It is needless to mention that, the petitioner shall be entitled to be represented before the respondent No. 2 through her duly authorized representative.

The parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 2.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 20844 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)