

WPA 21298 OF 2012

17.09.2024

Sl no. 25

Ct no. 551

P.M.

Chandrajit Samanta & Ors.

- Vs -

The State of West Bengal & Ors.

Ms. Debjani Sengupta,
Mr. Abhijit Chatterjee,
Ms. S. Haque
... for the petitioners.

1. None appears on behalf of the State today.

No report in the form of an affidavit is also filed.

2. By filing the instant writ petition the writ petitioners have prayed for issuance of an appropriate writ upon the respondent No. 3 to grant mutation in favour of the writ petitioner No. 1 and 2 in respect of Holding No. B-2/53, Kalyani, Nadia in place and instead of petitioner No. 3 being the lessee of the subject holding.

3. On perusal of the instant writ petition and after hearing of the learned advocate for the petitioners it reveals that originally in respect of the subject-holding the deceased petitioner No. 3 became a lessee by virtue of a deed of transfer dated 16.10.1985. The

deceased petitioner No. 3 during her lifetime transferred her leasehold right by way of a registered deed of gift in favour of the petitioner Nos. 1 and 2 being her son and daughter and to that effect she had sought permission from the respondent No. 3 authority.

4. The respondent No. 3 authority sat tight over the matter and thus finding no other alternative, the petitioner No. 3 approached this Court by filing writ petition No. W.P. 13032 (W) of 1999 wherein this Hon'ble Court by an order dated 17.08.1999 permitted the present petitioner No. 3 to execute a deed of transfer in favour of the present petitioner Nos. 1 and 2 and accordingly the deceased petitioner No. 3 during her lifetime executed a deed of transfer dated 14th August, 2000 in favour of the petitioner No. 1 and 2 in respect of the aforementioned subject plot and the same was registered with Registrar of Assurance – II, Kolkata on 28.05.2001 under Book No. I, Volume 68 pages 437-446, Being No. 2139 for the year 2001.

5. It is the further case of the petitioners that after obtaining certified copy of the said registered deed of transfer as executed by the petitioner No. 3, since deceased, the petitioner Nos. 1 and 2 made an application for mutation with the office of the respondent No. 3 however, no steps have been taken by the respondent No. 3 authority for mutating the name of the writ petitioner Nos. 1 and 2 in respect of the subject plot being plot No. B-2/53, Kalyani, Nadia in place and instead of Kalyani Samanta, since deceased, being deceased petitioner No. 3.
6. It is pertinent to mention herein that during the pendency of the instant writ petition the writ petitioner No. 3 had also died leaving behind the petitioner Nos. 1 and 2 as her legal heirs within the meaning of Hindu Succession Act.
7. In view of the chronology of events as discussed above this Court finds no justification on the part of the respondent No. 3 authority to withhold the process of mutation of plot No. B-2/53, Kalyani, Nadia

in the names of the writ petitioner Nos. 1 and 2.

8. Accordingly the instant writ petition succeeds and is hereby allowed.

9. Respondent No. 3 authority is hereby directed to effect mutation in the name of respondent No. 1 and 2 in respect of plot No. B-2/53, Kalyani, Nadia in place of deceased petitioner No. 3 Kalyani Samanta within a month from the date of communication of this judgement subject to compliance of all formalities by the writ petitioner Nos. 1 and 2 in accordance with law.

10. Respondent No. 3 is hereby directed to act on the server copy of this order.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Partha Sarathi Sen, J.)