

04
29.11.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 25434 of 2024

**Bhola Nath Karmakar
-versus-
The State of West Bengal & Ors.**

**Mr. Sabyasachi Mukherjee,
Mr. Poulam Dey,
Mr. Mukhesh Khanna,
Mr. Mrinmay Nandy,
Mr. Md. Musa Desai,
Ms. Ankita Nandi,
Mr. Kiran Mallick.
...For the Petitioner.**

**Mr. Soumitra Bandyopadhyay,
Ms. Suchana Banerjee.
...For the State.**

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner was allotted a piece and parcel of land by the State of West Bengal as Urban-Acquired Gift by treating the petitioner as a refugee.
3. The subject indenture dated 20th January, 2023 specifies that the donee shall have no right save as provided in the deed to alienate or transfer in any way the land comprised in the schedule within a period of ten years from the date of execution of the deed without obtaining prior written permission of the donor.
4. The petitioner submits that he is currently suffering from cancer and he requires immediate financial assistance for his treatment.
5. An application has been filed before the respondent authority in August 2024 seeking leave to

sell out the property mentioned in the scheduled of the deed. The same is alleged to be kept pending.

6. As it appears that there is a provision for alienation of the subject property only upon a written permission being granted by the State and the permission sought for by the petitioner is pending consideration, accordingly, the instant writ petition is disposed of by directing the Sub-Divisional Officer, Barrackpore to take steps for consideration of the representation made by the petitioner in accordance with the prevailing rules at the earliest but positively within a period of six weeks from the date of communication of this order.

7. An opportunity of hearing may be granted to the petitioner for ascertaining the actual reason for sale of the subject property.

8. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

9. Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 28th August, 2024 along with all documents in support of his prayer to the aforesaid respondent at the time of communicating the order of the Court.

10. Report by the Sub-Divisional Officer, Barrackpore signed on 29th October, 2024 be retained with the records.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)