

46
29.10.2024
Ssi/
jayanta

Ct. 3

WPA 26236 of 2024

Jaba Chakravorti

-vs-

**Land Manager, Bidhannagar Urban Development & Municipal
Affairs, & ors.**

Mr. Naba Kumar Das
Mr. Arindam Banerjee
Mr. Debayan Roy Chowdhury
...for the petitioner

Mr. Arif Ali
Mr. Pradeep Jewrajka
Mr. Sayan Banerjee
Ms. Pooja Jewrajka
...for the private respondents

Mr. Arif Ali
Mr. Shyamal Majumder
...for the respondent no.8

Affidavit of service filed on behalf of the
petitioner is taken on record.

The present writ petition has been preferred
challenging the memo dated 04.12.2023 and
18.10.2023 issued by the Urban Development and
Municipal Affairs, Land Manager, Bidhannagar. The
writ petitioner submits that a Will has been executed
by one Ms. Sibani Mondal bequeathing the property in
the present case in favour of the writ petitioner and
the said Will is pending for probate.

On the other hand, learned counsel appearing
for the recorded owners have submitted that the said

Sibani Mondal was a tenant in respect of the property and as such, has no authority to execute a Will in respect of the said property. The memo challenged in the present case is an order of the mutation issued by the Land Manger, Biddhannagar recording the names of the present owners who have acquired the lease by way of a deed of assignment. The writ petitioner has relied upon a document being an agreement dated 07.04.1989 and 10.11.1992 executed by the original lessee and the said Ms. Sibani Mondal.

On perusal of the said agreements between the original lessee and the said Ms. Sibani Mondal from which the writ petitioner claims his right, It appears that a certain amount of loan had been extended by the said Ms. Sibani Mondal in favour of the original lessee. The tenancy in respect of Ms. Sibani Mondal continued and then was extended from time to time and presently the said period of tenancy has expired. No document could be placed before this Court by the writ petitioner to show that the said Ms. Sibani Mondal had acquired transferrable interest in the said property by way of the said agreements. She remained a tenant till the end, though a Will was executed by the said Ms. Sibani Mondal which is the subject to decision before the probate Court.

Considering the said fact, the matter is before the probate Court and there being no *prima facie case*

in favour of the writ petitioner, the writ petition stands dismissed.

(Shampa Dutt (Paul), J.)