

29.07.2024
Ct. No. 2
Sl. No. 10
tbsr

WPA 26279 of 2022

**Sipra Roy & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sanjay Mukherjee
Mr. Arghadip Das
....for the petitioners

Mr. Ansar Mondal
Ms. Srilekha Bhattacharyya
....for the State

Mr. Alok Kr. Ghosh
Mrs. Sima Chakraborty
....for the KMC

Mr. Satyajit Talukdar
....for the KMDA

The petitioners claim to be the successor in interest of one Smt. Subarna Bhattacharjee in respect of a piece of land. According to the petitioners, initially the land was granted to the predecessor in interest of the petitioners by way of a resettlement dated **August 22, 2000, Annexure P-3 at page 62** to the writ petition. The petitioners claim the area of subject land was around 5 cottahs.

Mr. Sanjay Mukherjee, learned counsel appearing for the petitioners submits that, despite this resettlement of land neither any lease deed was executed by the Kolkata Metropolitan Development Authroity (KMDA) either in favour of Smt. Subarna

Bhattacharjee, the predecessor in interest of the petitioners or in favour of the petitioners who are the subsequent purchasers of the land. The petitioners submitted a representation dated **May 5, 2022 at page 72** to the writ petition before the respondent no. 3 and the same has not yet been decided.

Mr. Satyajit Talukdar, learned counsel appears for the respondent nos. 2 to 4 submits that, land was vested upon acquisition much prior to 2000, the resettlement was done in August, 2000 as referred to above. The petitioners claim to have purchased the land sometime in July, 1997. He submits that, if the record shows that the land was purchased by the petitioners subsequent to vesting, then automatically such alleged transfer in favour of the petitioners stands void in the eye of law.

Mr. Ansar Mondal, learned additional Government Pleader appears for the respondent nos. 1 and 6.

Mr. Alok Ghosh, learned counsel appears for respondent no. 5.

Considering the rival contentions of the parties and considering the materials on record, to sub-serve justice, this Court directs the respondent no. 3 to consider the representation of the petitioners dated May 5, 2022 at page 72 to the writ petition, as referred

to above, after giving an opportunity of hearing to the petitioners, and any other interested parties upon prior notice of hearing and then shall dispose of the said representation by passing a reasoned order.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **six weeks** from the date of communication of this order. The respondent no. 3 then shall communicate its reasoned order to the petitioners and other interested parties positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the rival claims of the parties as recorded above. The petitioners and the other interested 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. 3 but the same shall not travel beyond the scope of the representation dated May 5, 2022.

In the event, the reasoned decision goes in favour of the petitioners, the respondent no. 3 shall give an immediate effect thereto positively within a period of **four weeks** from the date of said reasoned order to be passed in accordance with law.

It is made clear that, that order shall not create any right or equity in favour of the petitioners, if the petitioners are not eligible to receive their claims strictly in accordance with law.

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 26279 of 2022** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)