

S/L 4
15.05.2025
Court. No. 19
Suvayan

WPA 7837 of 2025

Saroj Agarwal
Vs.
State of West Bengal & Ors.

Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee

...for the petitioner.

Mr. Malay Krishna De
Mr. Dipankar Ghosh

...for the State.

1. This Court has heard Ms. Pal, learned Advocate for the writ petitioner and Mr. Ghosh, learned Advocate for the State.
2. In course of hearing on behalf of the respondents/State a report in the form of affidavit as affirmed on 13.05.2025 is filed. The same is taken on record.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents more specifically against the respondent no. 2 commanding him to effect mutation in respect of premises no. BF-168, Salt Lake City, Kolkata – 700064.
4. In course of hearing Ms. Pal at the very outset draws attention of this Court to page nos. 72 to 75 of the instant writ petition being a copy of the order dated 04.12.2024 as passed by a co-ordinate Bench of this Court in WPA 20844 of 2024. It is submitted by Ms. Pal that from the said judgment and order dated 04.12.2024 it would reveal that the said co-ordinate Bench while disposing the WPA 20844 of 2024 directed the respondent no. 2 to dispose of the application for mutation by passing a reasoned order in accordance with law.

5. In her next limb of submission Ms. Pal draws attention of this Court to page no. 79 of the instant writ petition being a copy of the memo dated 03.01.2025 as issued by the respondent no. 2/authority addressed to the writ petitioner and her family members asking them to provide certain documents. It is submitted that under cover of a letter dated 20.01.2025 a copy of which has been annexed at page no. 80 of the instant writ petition the writ petitioner's learned Advocate had duly forwarded all the documents to the respondent no. 2 as have been called for by him under cover of his memo dated 03.01.2025.
6. It is submitted by Ms. Pal that despite submission of all relevant documents to the respondent no. 2/authority, the respondent no. 2/authority in utter violation of the judgment and order of the co-ordinate Bench dated 04.12.2024 practically did nothing and sat tight over the matter.
7. In course of his submission Mr. Ghosh, learned Advocate appearing on behalf of the respondents/State submits before this Court that from page nos. 4 and 4A of the said report it would reveal that the respondent no. 2 has clearly indicated that all the relevant papers have been forwarded before his higher authority for consideration of the prayer of the writ petitioner for effecting mutation in respect of the aforementioned premises.
8. Considering the rival submissions of the learned Advocates for the contending parties and on careful consideration of the entire materials as placed before this Court, it appears to this Court that the respondent no. 2/authority could not justify as to what prevented him to comply with the judgment and order

as passed on 04.12.2024 in WPA 20844 of 2024. However, considering the fact that the respondent no. 2 has asked for some more documents of the writ petitioner and also considering the fact the writ petitioner has already forwarded those documents, this Court considers that cannot be any predicament on the part of the respondent no. 2/authority to pass a reasoned order on the application for mutation as have been made by the writ petitioner.

9. In view of such, while disposing the instant writ petition this Court directs the respondent no. 2 to consider the application for mutation as have been filed by the writ petitioner before him and after giving due opportunity of hearing to the writ petitioner and/or her legal representative, if necessary and shall pass a reasoned order forthwith and shall communicate such reasoned order to the writ petitioner preferably by mail, if the mail details of the writ petitioner is furnished to him at the time of hearing.
10. It is made clear that the entire exercise as indicated hereinabove is to be completed within 30 working days from the date of communication of the server copy of this order.
11. The time limit as fixed by this Court is mandatory and peremptory.
12. Liberty is given to the learned Advocate-on-Record of the writ petitioner to communicate the server copy of this order to the respondent no. 2/authority.
13. The respondent no. 2/authority is directed to act on the server copy of this order.
14. With the aforementioned observation, the instant writ petition being WPA 7837 of 2025 is disposed of.

15. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)