

25.03.2025
Sl. No.11
Ct. No.236
Suman

C.O. 1673 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2024

Sourindra Nath Ganguly
Vs.
Saumadip Mukherjee and Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Anirban Saha Roy
..for the petitioner

Mr. Shubham Banerjee
..for O.P. No.1.

01. This application under Article 227 of the Constitution of India is directed against the order dated 21st February, 2024 passed by the Learned District Consumer Disputes Redressal Commission, South 24 Parganas, Baruipur.
02. By the order dated 21st February, 2024, the Learned District Consumer Disputes Redressal Commission was pleased to pass an order by appointing a Special Officer for the purpose of execution and registration of the deed of conveyance in favour of the complainant.
03. The grievance of the petitioner is that the Learned District Consumer Disputes Redressal Commission without considering the application filed by the petitioner/judgment debtor for a direction upon the decree holders

to submit the death certificate of Debojit Samadder who was the judgment debtor and to furnish the legal heirs of Debojit Samadder, passed the impugned order.

04. Learned advocate for the petitioner submits that the original development agreement was between the mother of the petitioner, Sunita Ganguly, since deceased and Debojit Samadder.

05. Learned advocate further submits that as there is a direction issued upon the petitioner as well as Nilima Samaddar whom the petitioner does not know, there will be a defect in the execution of the deed which is directed to be executed by the Learned District Consumer Disputes Redressal Commission, South 24 Parganas.

06. It is submitted that this dispute is required to be avoided and necessary particulars of the legal heirs of Debojit Samadder are to be furnished along with the death certificate of Debojit Samadder.

07. Learned advocate appearing for the substituted opposite parties submits that the petitioner has taken an inconsistent stand with regard to the death of Debojit Samadder and it

is within his knowledge that Debojit Samadder died.

08. Upon hearing the learned advocates and upon perusing the petition and the order passed by the Learned District Consumer Disputes Redressal Commission it appears the Learned Commission did not address itself with regard to the death of Debojit Samadder and with regard to the necessity of furnishing the death certificate and the names of heirs passed the order dated 21st February, 2024.

09. This Court is of the view that a Special Officer should be appointed to ascertain as to whether Debojit Samadder died or not. In the event, Debojit Samadder died, the names of the legal heirs of Debojit Samadder should be obtained and furnished before the Learned District Consumer Disputes Redressal Commission.

10. Upon furnishing the report by the Special Officer, the learned District Consumer Disputes Redressal Commission shall reconsider the order passed in Execution Application being EA/60/2023 dated 21st February, 2024. The order dated 21st February, 2024 shall be kept in abeyance till the report is submitted by the Special Officer and a decision is taken by the

Learned District Consumer Disputes Redressal Commission.

11. Mr. Sahidul Islam, Advocate High Court Bar Association, Calcutta, Room No.14 (Mobile No.9382591490) is appointed as a Special Officer to cause necessary enquiry after notice to all parties and to submit his report.
12. Copy of this order and revisional application along with annexures shall be served upon the learned Special Officer.
13. The remuneration of the Special Officer is fixed at 800 gm. to be borne equally by the parties.
14. Accordingly, **C.O. 1673 of 2024** along with the connected applications stands disposed of.
15. Since this Court has not gone into the merits of this case, all points will be left open to be agitated by the parties.
16. Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Biswaroop Chowdhury, J.)