

WPA 20140 of 2025

Gita Bose & Anr.

-vs-

The State of West Bengal & Ors.

24.10.2025
SL-14
Ct.19
(S.R.)

Mr. Salil Kumar Maiti ... for the petitioner.

Mr. Ayan Banerjee
Ms. Chandana Ghosh ... for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. None appears on behalf of the Haldia Municipality and its instrumentalities despite service.
3. The writ petitioners are aggrieved for non-consideration of their representation, a copy of which has been annexed at page no.26 of the instant writ petition.
4. At the time of hearing, Mr. Maiti, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no.17 of the instant writ petition, being a copy of the possession certificate dated 19.05.1992 as has been issued in the name of one Usha Mitra since deceased, the predecessor-in-interest of the writ petitioners in respect of Plot No.22 in the Debhog Rehabilitation Colony.
5. It is further submitted by Mr. Maiti that from page no.19 of the instant writ petition, it would reveal that the said allotment of plot was approved by the Haldia

Municipality, which would be evident from page no.19, being a copy of miscellaneous receipt dated 22.12.1997 in the name of said Usha Mitra since deceased.

6. It is further submitted by Mr. Maiti that in the meantime, the said Usha Mitra passed away on 26.12.1997 and the petitioners being the legal heirs of the original allottee requested the municipal authority to register the aforementioned plot in their names but of no effect.
7. Mr. Banerjee, learned advocate appearing on behalf of the respondent/State, however, contended that the writ petitioners are not entitled to the relief, as prayed for, inasmuch as the writ petitioners being the so called legal heirs of the original allottee have got no right, title and interest over the said allotted plot and, thus, the present petitioners have got no *locus standi* to claim the relief, as prayed for.
8. It is further submitted by Mr. Banerjee that the inordinate delay, as would be evident from the pleadings of the instant writ petition, has not been properly explained. It is, thus, submitted by Mr. Banerjee that on the aforementioned two grounds the instant writ petition may be dismissed.
9. On careful consideration of the entire materials as placed before this Court and after hearing the learned

advocates for the contending parties, it appears that Plot No.22 in the Debhog Rehabilitation Colony was originally allotted to Mr. Usha Mitra and such possession was duly approved by the Halida Municipality. No material is forthcoming either from the writ petitioners or from the Halida Municipal authority as to why no registered deed of conveyance was executed in favour of the original allottee, Usha Mitra.

10. From the materials as placed before this Court, it further reveals that the writ petitioners claim to be the legal heirs of the said Usha Mitra, who died issueless.
11. Admittedly, as rightly pointed out by Mr. Banerjee that there was no explanation of delay on the part of the writ petitioners, especially, when it reveals that the original allottee died on 26.12.1997 while the writ petitioners approached the Halida Municipality on 18.03.2024.
12. In absence of any contrary material, this Court at this stage while disposing the instant writ petition directs the respondent no.4/authority to consider the representation dated 18.03.2024, as submitted by the writ petitioners, in accordance with law and after giving due opportunity of hearing to the writ petitioners and/or their authorized representatives and/or any other stakeholder and/or stakeholders

shall pass a reasoned order on such representation dated 18.03.2024 and shall forthwith communicate the same to the writ petitioners, in accordance with law.

13. The entire exercise, as indicated in the forgoing paragraphs, is to be completed by the respondent no.4/ authority positively within 60 working days from the date of receipt of the server copy of this order.
14. The time limits, as fixed by this Court, are mandatory and peremptory.
15. Liberty is given to the learned advocate-on-record for the writ petitioners to communicate the server copy of this order to the respondent no.4/authority.
16. The respondent no.4/authority is directed to act on the server copy of this order.
17. Before parting with, it is, however, made clear that while disposing the instant writ petition, this Court has made no observation with regard to the alleged right, title and interest of the writ petitioners over the aforementioned plot of land and, thus, all points including the point of delay, as referred by Mr. Banerjee, learned advocate appearing on behalf of the respondent/State are hereby kept open.
18. With the aforementioned observations, the instant writ petition being **WPA 20140 of 2025** is disposed of.
19. There shall, however, no order as to costs.

20. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)