

Item-
8. 13-11-2025

WPA 24859 of 2025

sg Ct. 19

Kaberi Das
Versus
The State of West Bengal & Ors.

Mr. Rajdip Bhattacharya
...for the petitioner
Mr. Swapan Kr. Dutta, Sr. Adv.
Mr. Rajat Dutta
Mr. Indrajit Ghosh
...for the State
Mr. S.T. Mina
Mr. Pratik Sardar
...for the respondent nos.5&6

Affidavit of service filed in Court is taken on record.

The State respondents and the private respondent nos. 5 and 6 are represented. None appears for the respondent nos. 7 and 8.

The learned Advocate appearing for the State submits that a further time may be granted to allow the parties to take steps.

One Mrinalini Roy Chowdhury was the lessee in respect of a plot of land being premises No.74/2/296 Ram Thakur Road and also Postal Premises No. 2/94/21 Bijaygarh, Jadavpur University, Kolkata 700032, measuring about 4 cottahs 2 chittacks 30 sq.feet, in Mouza Baderaipur. The said Mrinalini Roy Chowdhury constructed a partly three storeyed and a partly two-storeyed building at the said property. Mrinalini Roy Chowdhury had two sons, namely, Pulin Behari Roy Chowdhury and Jatin Behari Basu Roy Chowdhury. Sons of the said Mrinalini Roy Chowdhury pre-deceased her. Mrinalini Roy Chowdhury died on January 1,

2002. The petitioner and the private respondent nos. 5 and 6 are the heirs of Jatin Behari Basu Roy Chowdhury.

The petitioner applied before the Deputy Controller (R), Refugee Relief and Rehabilitation Department, West Bengal, praying for allotment of freehold deed in favour of the legal heirs and successors of Jatin Behari Basu Roy Chowdhury in respect of the aforesaid property. The Deputy Controller asked the petitioner to attend the hearing along with necessary documents in support of her claim. The Deputy Controller issued a notice under Memo dated 7th July, 2025 requesting the petitioner to explain her claim over E.P. No. 431 and S.P. No. 1414 of Bijoygarh Colony within the time limit as indicated in the said letter. The petitioner claims to have submitted a reply to the Memo dated 7th July, 2025 by a letter dated July 23, 2025. The Deputy Controller thereafter issued a notice dated 16th October, 2025 requesting the petitioner to attend the office of the Deputy Controller on 4th November, 2025 with proper reply/clarification as required under the Memo dated 7th July, 2025.

Mr. Rajdip Bhattacharya, learned Advocate appearing for the petitioner, submits that the petitioner has not attended the hearing before the Deputy Controller as the said authority had already made up his mind to pass an adverse order against the petitioner. In support of such contention, Mr. Bhattacharya draws the attention of the Court to the observations made in the third paragraph of the Memo dated 7th July, 2025.

Mr. Rajat Dutta, learned Advocate appearing for the State, submits that the observation made in the Memo dated

7th July, 2025 was only to point out the points on which the reply of the petitioner was sought for and such authority has not made up its mind and shall decide the issue with an open mind. He further submits that the allotment of a refugee property to a person has to be in accordance with the relevant scheme and for such purpose, the authority asked the petitioner to clarify the issues pointed out in the Memo dated 7th July, 2025.

The learned Advocate appearing for the private respondents submits that the petitioner is residing in her matrimonial home and is not residing at the property in question. He submits that the private respondent nos. 5 and 6 are residing at the property in question.

Upon going through the averments made in the writ petition and after hearing the submissions of the learned Advocates of the respective parties, this Court finds that the dispute involved in the writ petition is with regard to allotment of a refugee property. Such allotment has to be made in accordance with the relevant scheme.

It appears from the Memo dated 7th July, 2025 that the Deputy Controller has indicated the points on which reply/clarification was sought from the petitioner with regard to her claim over E.P. 431 and S.P. 1414 of Bijoygarh Colony. It is not in dispute that the reply to the said Memo has been submitted by the petitioner before such authority.

Though the date of hearing was fixed on 4th November, 2025, the petitioner prayed for an adjournment on the ground that the instant writ petition is pending before this Court. On a query of the Court, Mr. Dutta, on instruction, has

submitted that no decision has yet been taken by the authorities

In the light of the submissions made by the learned Advocates for the respective parties, WPA 24859 of 2025 stands disposed of by directing the Deputy Controller (R), Kolkata District Refugee Relief and Rehabilitation Office, being the fourth respondent herein, to pass a reasoned order on the prayer of the petitioner for issuance of freehold deed to the heirs of Jatin Behari Basu Roy Chowdhury after giving an opportunity of hearing to the petitioner, private respondents and/or any other interested persons or their authorized representatives and communicate the reasoned order to the respective parties immediately thereafter.

The entire exercise shall be completed as expeditiously as possible but positively within a period of three weeks from the date of receipt of a server copy of this order.

It is, however, made clear that the Deputy Controller shall decide the issues raised in the Memo after considering the representation and the clarification given by the petitioner in open mind without being swayed by any observations made in Memo dated 7th July, 2025, which, in the opinion of the Court, are only prima facie observations.

The parties will be at liberty to raise all points in support of their respective contention at the time of hearing before the Deputy Controller and the Deputy Controller shall deal with such submission while passing the reasoned order.

Since no affidavits have been called for, the allegation contained in the writ petition shall not be deemed

to have been admitted.

The writ petition is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)