

Sl.4
21.01.2026
Court No.19
BP

WPA 564 of 2026

Swapan Sarkar & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Chittaranjan Chakraborty
Mr. A. Ranjan
Mr. Sumit Banerjee
..for the petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Advocate
Mr. Priyabrata Batabyal
..for the State

The petitioners claim that the father of the petitioners namely, Rajendra Chandra Sarkar since deceased came to the State of West Bengal from East Pakistan now Bangladesh in the year 1950 and took shelter and started residing within Mouza Sakdah, G.S. Colony in the District of Nadia. The petitioners claim that a commercial plot was allotted in favour of the father of the petitioners along with a residential plot and the father of the petitioners deposited the amount demanded by the authorities against the said two plots.

It is not in dispute that a free hold title deed was issued in the name of the father of the petitioners in respect of the residential plot. The dispute has cropped up with regard to the commercial plot. Pursuant to an order passed by a Co-ordinate Bench on September 10, 2021 in WPA 28050 of 2017 the Additional District Magistrate, (LR & RR & R), Nadia rejected the claim of the petitioners to

the land measuring about 4 decimals within Jayghata Scheme No.8 R.R. Colony, Shakdah Bazar. However the petitioners were given liberty to apply for grant of lease of the Colony Bazar land subject to existing rules and guidelines of the Land and Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal. Pursuant to the directions contained the said order the petitioners have applied for grant of lease on 19th September, 2025.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that in spite of receipt of such representation no decision on such representation has been communicated to the petitioners till date.

Mr. Bandyopadhyay, learned Senior Government Advocate submits that the decision on such representation shall be communicated to the petitioners within the time limit as may be fixed by this Court. Since the representation has been submitted by the petitioners pursuant to the liberty granted in the order dated 19th September, 2025 of the Additional District Magistrate, Land and Land Reforms and Refugee Relief and Rehabilitation Department, the respondent authority is duty bound to consider and dispose of the same by passing a reasoned order within a stipulated time frame.

In view thereof, WPA 564 of 2026 stands disposed of by directing the Department of Land and Land Reforms and Refugee Relief and Rehabilitation Department, Nadia

being the 3rd respondent to consider the representation of the petitioners dated 19th September, 2025 and to dispose of the same by passing a reasoned order after giving a reasonable opportunity of hearing to the petitioners or their authorized representative and communicate the reasoned order to the petitioners immediately thereafter. The entire exercise shall be completed by the 3rd respondent as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 19th September, 2025. In course of hearing it will be open to the petitioners to place reliance upon any Government notifications/circulars etc. in support of their claim for grant of lease.

It is, however, made clear that this Court has not gone into the merits of the claim made in the said representation and all points are left open to be decided by the 3rd respondent.

There shall be however no order as to costs.

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

(Hiranmay Bhattacharyya, J.)