

Sl.69
12.03.2026
Court No.19
BP

WPA 2853 of 2026

Prasenjit Pal
-versus-
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
..for the petitioner

Mr. Vimal Kumar Shahi, Ld. Addl. Govt. Pleader
Ms. Kalpita Paul
..for the State

Mr. Ankit Chatterjee
..for the added respondent nos. 3 and 4

The petitioner has challenged the order dated 6th January, 2026 passed by the Land Manager, Bidhannagar rejecting the prayer of the petitioner for mutating his name in respect of the property being Plot No. IA 269 Sector III, Salt Lake City, Kolkata 700106.

The learned advocate appearing for the State files an instruction of the Land Manager, Bidhannagar dated 26th February, 2026 wherein it has been stated that in compliance with the order of the Hon'ble Division Bench in MAT 1933 of 2025 processing of all applications relating to mutation against Will, Gift and transfer of leasehold right in respect of plots (Residential) in Salt Lake City have been suspended because all the departmental notifications by which the department processes all applications have been set aside by the Hon'ble High Court at Calcutta. He submits that the Department of Urban Development and Municipal Affairs

of the Government of West Bengal has preferred a Special Leave Petition before the Hon'ble Supreme Court. He submits that for the aforesaid reason, the department is unable to process the application of the petitioner which has been submitted for mutation by virtue of a probate order granted to the last will and testament of the original allottee.

At this stage the learned advocate appearing for the petitioner submits that the ground on which the Land Manager expressed its inability to process the application is that the daughters of the original lessee have also submitted intestate death mutation application on 30th June, 2023.

This Court finds that in the order dated 6th January, 2026 it is recorded that the daughters of the original lessee has also submitted intestate death mutation application on 30th June, 2023.

The affidavit filed by Piali Paul Chowdhury and Sonali Pal Chowdhury i.e. the added private respondents are taken on record.

The learned advocate appearing for the private respondents submits that the added respondents do not have any objection pertaining to the mutation of the name of the petitioner in respect of the property in question.

Such submission of the learned advocate for the added respondents is placed on record.

The other ground stated in the said application is that it has come to light that one case has been registered against the heirs of the original lessee at Bidhannagar South Police Station and a chargesheet has also been filed.

Since the daughters of the original lessee has now appeared before this Court and have endorsed their 'no objection' to the application for mutation filed by the petitioner upon the death of the original lessee, this Court is of the view that the Land Manager, Bidhannagar should be directed to revisit the issue relating to mutation and to pass a fresh orders in accordance with law.

Accordingly the order dated 6th January, 2026 is set aside.

The Land Manager, Bidhannagar is directed to consider the prayer of the petitioner relating to mutation of the property in question in his name upon the death of the original lessee namely late Dipendra Kumar Pal Chowdhury strictly in accordance with law.

It will be open to the petitioner to produce materials and documents before the Land Manager on the issue whether the pendency of the proceeding being Bidhannagar South P.S. Case No. 269/2023 dated October 12, 2023 has any relevancy or not at the time when the application for mutation will be considered afresh.

In view of the order passed by the Hon'ble Division Bench in MAT 1933 of 2025 and taking note of the submission of the learned advocate for the State that a Special Leave Petition has been filed, this Court refrains from fixing any time limit for consideration of the prayer for mutation by the Land Manager at this stage.

Accordingly the writ petition stands disposed of with liberty to the petitioner to take appropriate steps in accordance with law if so advised.

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.)