

Item-
1. 11-03-2026

WPA 13685 of 2024

sg Ct. 19

Subhasish Dan & Anr.
Versus
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Abul Mullick

...for the petitioners

Mr. Srijan Nayak
Mrs. Rituparna Maitra

...for the State

Affidavit of service filed in Court is taken on record.

Though this matter is appearing under the heading
“To Be Mentioned”, with the consent of the learned
Advocates for the respective parties, this writ petition is taken
up for hearing on merits by treating the same as on day’s list.

On the prayer of the learned Advocate for the
petitioners, leave is granted to the learned Advocate-on-
Record to amend the presentation form by incorporating the
correct Group of the classification list.

Let such amendment in the presentation form be
carried out here and now.

The petitioners claim to be the legal heirs of one
Jasodhara Dan. The property, being plot no. 367, Block FE,
Sector III, Salt Lake, Kolkata-700106 was allotted in favour
of the predecessor-in-interest of the Jasodhara Dan, namely,
Jadu Gopal Dutta, since deceased. The original lessee
namely, Jadu Gopal Dutta, during his lifetime, executed his
last Will and Testament dated 1st of December, 2003 thereby
bequeathing his leasehold interest in respect of the aforesaid

plot in favour of Jasodhara Dan, Sujata Guha, Sumita Samanta and Sucheta Samanta. After the death of Jadu Gopal Dutta, the probate to the Will executed by him was granted. Thereafter, Jasodhara Dan died on 6th March, 2018 leaving behind her surviving the petitioners as her only legal heirs.

An application for mutation of the aforesaid property was filed by the beneficiaries under the said Will before the Land Manager, Bidhannagar Urban Development Department & Municipal Affairs, Government of West Bengal. During the pendency of the application for mutation, Jasodhara Dan died leaving behind her surviving the petitioners as her legal heirs. The order of mutation was, however, passed by the Land Manager, Bidhannagar on October 3, 2018 i.e. after the death of Jasodhara Dan.

Mr. Mukherjee, learned Advocate, appearing for the petitioners submits that, in view of the death of Jasodhara Dan, the names of the petitioners are required to be mutated in place and stead of Jasodhara Dan. He submits that a representation has also been submitted by the petitioners to that effect. He further submits that in the mutation order, the shares of the predecessor-in-interest of the petitioners and other beneficiaries have not been correctly recorded. He further submits that as per the last Will and Testament of Jadu Gopal Dutta, since deceased, Jasodhara Dan would be entitled 35.66%; Sujata Guha would be entitled to 25.94%; Sumita Samanta would be entitled to 19.63% and Sucheta Samanta would be entitled to 18.77% of the total floor area of the existing building. Mr. Mukherjee submits that the erroneous recording of the shares in the mutation order calls for

interference.

However, other beneficiaries under the Will, whose names have been recorded as lessees mentioning their respective shares, have not been impleaded as party respondents in this writ petition. For such reason, this Court cannot render any finding on the dispute with regard to the shares between the parties at this stage.

Since two representations have been submitted by the petitioners – one for correction of alleged wrong recording of the share of the respective parties and the other praying for mutating the names of the petitioners in place and stead of Jasodhara Dan – this Court feels that the interest of justice would be sub-served if a direction is passed upon the Land Manager to consider the said representations and dispose of the same by passing a reasoned order, within a specified time.

Without entering into the merits of the claims made by the petitioners in the representations dated 7th July, 2019 and 25th March, 2024, WPA 13685 of 2024 stands disposed of by directing the Land Manager, Biddhanagar, Department of Urban Development & Municipal Affairs, being the third respondent, to consider the aforesaid representations and dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioners, Sujata Guha, Sumita Samanta and Sucheta Samanta and/or their authorized representative and/or or any other party who may be affected by such decision and communicate the reasoned order to the petitioners and others as expeditiously as possible but positively within a period of four weeks from date the

receipt of a server copy of this order together with copies of the aforesaid representations.

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

(Hiranmay Bhattacharyya, J.)