

SL. 9
08.04.2026
Court No.19
BP

WPA 17201 of 2025
with
CAN 2 of 2026

Debal Kumar Sen
-versus-
The State of West Bengal and others

Ms. Sohini Chakraborty
Mr. Supriyo Ghosh
Ms. Susmita Adhikary
..for the petitioner

Mr. Jaydip Kar, Sr. Advocate
Mr. Siddhartha Ghosh
..for the respondent nos. 2 and 3

Mr. Tapan Mukherjee, Ld. Addl. Govt. Pleader
Mr. Somnath Naskar
..for the State

Though this matter is appearing under the heading “Extension of Interim Order”, with the consent of the learned advocates for the respective parties the main writ petition is taken up for final hearing by treating the same as on the day’s list.

The petitioner has prayed for setting aside the notice dated 21st May, 2025 issued by the Special Secretary, Urban Development (T&CP) & Municipal Affairs Department, Government of West Bengal. The petitioner was allotted a plot of land being C.S./R.S./L.R. Plot Nos. 1494(part) & 1617(part) within Mouza Taltore, J.L. No. 69, Khatian No.779 under Police Station Bolpur in the District of Birbhum within the planning area of the Sriniketan Santiniketan Development Authority (for short

SSDA) by way of a 99 year lease vide registered lease deed which was executed on 13th December, 1994. The petitioner applied before the Executive Officer, SSDA by a letter dated 18th May, 2022 expressing his desire to transfer the leasehold interest in the said plot in favour of a third party. The petitioner requested the authorities to advise the petitioner as to the procedure to be adopted for transferring the said lease. Alleging inaction on the part of the authorities in not allowing the prayer of the petitioner for transfer and also challenging the action of the respondent authority in issuing a notice for determination of the lease, the petitioner approached this Court.

Ms. Chakraborty, learned advocate appearing for the petitioner draws the attention of the Court to a letter dated 16th September, 2022 issued by the Executive Officer, SSDA in support of her contention that the prayer for transfer of the petitioner has been approved by the said authority. She submits that in spite of the fact that the petitioner has complied with all procedures for transfer of the said lease, the respondent authorities have not taken any steps in furtherance thereof.

Mr. Kar, learned senior advocate appears for the SSDA. He submits that upon receipt of the letter dated 18th May, 2022, the same was placed in the 144th meeting of the authority which was held on 23rd July, 2022. By drawing the attention of the Court to an extract of the minutes of the said meeting Mr. Kar submits that the

application was approved for onward transmission to the Urban Development and Municipal Affairs Department, Government of West Bengal for approval. He further submits that while issuing the letter dated 16th September, 2022 there was some miscommunication made by the Executive Officer of SSDA. He submits that since the lease was granted by the State of West Bengal, any decision with regard to transfer/assignment of the said lease has to be taken by the Government of West Bengal and not by SSDA.

Mr. Mukherjee, learned Additional Government Pleader submits, on instructions, that no decision on the prayer made by the petitioner for transfer of the lease-hold interest in favour of a third party has been taken by the competent authority.

After going through the minutes of the 144th meeting of the SSDA held on 23rd July, 2022 this Court finds that the application of the petitioner which was placed in the meeting was approved for onward transmission to the Urban Development and Municipal Affairs Department, Government of West Bengal for approval. Thus, the expression “approval” used in the minutes of the said meeting was approval for onward transmission to the Urban Development and Municipal Affairs Department and not final approval of the prayer for transfer of the lease-hold interest in respect of the plot in favour of a third party. It is not in dispute that the

prayer for transfer is still pending consideration before the competent authority of Urban Development and Municipal Affairs, Town and Country Planning Branch.

On a query of the Court, Mr. Mukherjee, learned Additional Government Pleader submits that the Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs, town and Country Planning Branch has been vested with the power to take a decision on the prayer for transfer made by the petitioner.

Faced with such situation Ms. Chakraborty, learned advocate appearing for the petitioner prays for leave to add the concerned Additional Secretary as a party respondent in this writ petition.

Such prayer is allowed.

The learned advocate on record of the petitioner is granted leave to amend the cause title of the writ petition by adding the concerned Additional Secretary as a party respondent in this writ petition.

Let the amended cause title of the writ petition be served upon the respondent authorities forthwith.

Since the State is represented by Mr. Mukherjee, learned Additional Government Pleader, there would be no necessity to serve a copy of the amended writ petition upon the added respondent.

Since in the meantime a notice dated 21st May, 2025 for resumption has been issued the same should

await the decision of the added respondent on the issue of transfer of the lease.

For the reasons as aforesaid this Court feels that interest of justice would be sub-served if the added respondent is directed to take a decision on the application for transfer of the lease within a specified time frame and to communicate the decision to the petitioner.

Accordingly WPA 17201 of 2025 stands disposed of by directing the Additional Secretary to the Government of West Bengal being the added respondent to consider the prayer of the petitioner for transfer of the lease-hold interest as contained in the letter of the petitioner dated 18th May, 2022 by passing a reasoned order after affording an opportunity of hearing to the petitioner or his authorized representative and communicate the reasoned order to the petitioner as expeditiously as possible but positively by the end of the month of May, 2026. The notice dated 21st May, 2025 shall be subject to the final decision that may be taken by the added respondent on the prayer of the petitioner for transfer of the lease. In the event the decision on the prayer for transfer is adverse to the interest of the petitioner, the petitioner will be at liberty to take appropriate steps in accordance with law.

CAN 2 of 2026 stands disposed of.

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.)