

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Hiranmay Bhattacharyya

W.P.A. 23247 of 2025

Smt. Yogita Chakraborty @ Bhayana
Vs.
The State of West Bengal & Ors.

For the Petitioner

: Mr. Partha Pratim Roy
Mr. Tanmoy Chowdhury
Ms. Ritoprita Ghosh
Ms. Sulagna Sarkar

For the State

: Mr. Ayan Banerjee
Ms. Sharmila Deb

For the respondent No.7

: Mr. Probal Mukherjee, Sr. Adv.
Ms. Anamika Pandey

Heard on

: 13/02/2026

Judgment on

: 13/02/2026

Hiranmay Bhattacharyya , J. :

1. The petitioner claims to be the widow of one Debashish Chakraborty (since deceased). The petitioner states that her husband happens to be the son of late Nirmal Kumar Chakraborty, who is the husband of Lina Chakraborty (since deceased). Lina Chakraborty while in service was allotted a plot of land being No.109 at Block CG, Sector-II of Northern Salt Lake City Extension Area in the District of North 24-Parganas by virtue of a deed of lease for a period of 999 years executed on February 23, 1980.

2. The petitioner states that Lina Chakraborty, who is the mother-in-law of the petitioner died on June 12, 2023. The petitioner claims that her brother-in-law mutated his name in the records of Urban Development and Municipal Affairs Department of the Government of West Bengal in respect of the aforesaid plot.

3. Mr. Roy, learned advocate appearing for the petitioner submits that the husband of the petitioner is the son of Lina Chakraborty and since her husband died prior to the death of Lina Chakraborty, the petitioner being the daughter-in-law of Lina Chakraborty has inherited a share in the said property upon the death of Lina Chakraborty. Mr. Roy submits that the petitioner has acquired right, title and interest in the said property and name of the petitioner ought to have been recorded in the records of the Urban Development and Municipal Affairs Department in respect of the plot in question along with the other heirs of Lina Chakraborty.

4. Mr. Mukherjee, learned senior advocate appears for the respondent No.7 and submits that out of wedlock between Nirmal Kumar Chakraborty and Pratima Chakraborty, one son namely, Debashis Chakraborty was born. He submits that the marriage between Nirmal and Pratima was dissolved by a compromise decree passed in a matrimonial suit. Thereafter, Nirmal Kumar Chakraborty married Lina Chakraborty and the respondent No.7 is the son born out of the said wedlock. Mr. Mukherjee submits that the husband of the petitioner is not the son of Lina Chakraborty and in view of Section 15 of the Hindu Succession Act, 1956, the right, title and interest of Lina in the said property devolved upon respondent No.7 excepting the portion bequeathed by Lina Chakraborty by executing a Will in favour of a third party. Mr. Mukherjee submits that the property was rightly mutated in the name of the respondent No.7 to the extent of 2/3rd share in the plot in question.

5. Mr. Banerjee, learned advocate appears for the State. He submits that the mutation was done by the concerned department of the State after considering the materials produced in support thereof.

6. In reply, Mr. Roy, learned advocate for the petitioner submits that the husband of the petitioner was the adopted son of Lina Chakraborty.

7. On a query of the Court as to whether the petitioner can produce any deed in support of such adoption, Mr. Roy submits that the petitioner can establish the factum of adoption in a properly constituted proceeding.

8. The petitioner has challenged the order of mutation dated February 20, 2025 passed by the Land Manager, Bidhannagar, Urban Development and Municipal Affairs Department of the Government of West Bengal. Though Mr. Roy, learned advocate appearing for the petitioner, in course of his argument placed reliance upon certain documents in support his contention that the husband of the petitioner was the adopted son of Lina Chakraborty but the petitioner could not prove such fact by proceeding any evidence in support thereof.

9. On the other hand, Mr. Mukherjee, learned Senior Advocate produced a bunch of documents at the time of hearing of this writ petition namely, Certificate of Marriage between Nirmal and Pratima, compromise petition filed in Matrimonial Suit No. 1 of 1969, the compromise decree passed in the said suit. From the said documents it appears to this Court that Debasish was the son born out of the wedlock of Nirmal and Pratima.

10. No material has been produced by the petitioner even in course of hearing for this Court to arrive at a finding even *prima facie* that the petitioner had inherited a share in the property in question by way of inheritance.

11. After hearing the learned advocates for the respective parties and upon perusing the materials on record, this Court finds that there is a dispute as to the status of the husband of the petitioner as to whether her husband was the adopted son of Lina Chakraborty or not.

12. A dispute relating to title in respect of an immovable property cannot be adjudicated in a writ petition.

13. It is well-settled that mutation neither creates any title in respect of a property nor does it extinguish the same.

14. There is no quarrel to the proposition of law laid down in the case of **Sarat Chandra Das vs. The Revenue Officer & Ors.** reported at **(1994) 1 CLJ 212** that an adopted child shall inherit the property of his/her adoptive father or mother as an heir and legal representative of his/her deceased adoptive father or mother. The said decision cited by Mr. Roy may come to the aid of the petitioner if it is found that Debasish was the adopted son of Lina. The said decision cannot be of any assistance to the petitioner at this stage.

15. For all the reasons as aforesaid this Court is not inclined to grant any relief in favour of the petitioner. Accordingly, WPA **23247 of 2025** stands disposed of.

16. Petitioner is left free to approach the appropriate forum for adjudication of her right in respect of the property in question.

17. It is however, made clear that the respondent No.7 cannot claim any equity in any such proceeding that maybe initiated by the petitioner for declaration of her right, title, interest in the property in question by virtue of the mutation of his name in the records of the Urban Development and Municipal Affairs Department by order dated February 20, 2025.

18. Since no affidavits have been called for, the allegations contained in the writ petition shall not be deemed to have been admitted.

19. There will be no order as to costs.

20. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

*Item No.2
Court No.-19
Aritra*