

Sl.19
25.02.2026
Court No.19
BP

WPA 26523 of 2025

Sri Ujjal Datta
-versus-
The State of West Bengal & Ors.

Ms. Debalina Lahiri
Ms. Moumita Sharma
..for the petitioner

Mr. Ayan Banerjee
Ms. Sharmila Deb
..for the State

The petitioner has prayed for a direction upon the respondent no.4 to mutate the name of the petitioner in the records of the Urban Development (Urban land Ceiling) Department in respect of the leasehold Plot No. B-6/132, Kalyani. The petitioner states that a leasehold plot being Plot No. B-6/132, Kalyani was allotted in favour of one Kalpana Sinha by way of a deed of lease being Deed No. 2734 for the year 1969 for a period of 999 years commencing from 25th March, 1961. The petitioner further states that during her lifetime, Kalpana Sinha constructed a residential building on the said leasehold property and had been residing thereat by mutating her name in the records of Urban Development Department and Kalyani Municipality. The petitioner further states that Kalpana Sinha during her lifetime bequeathed her leasehold right, title and interest in respect of the said plot in favour of the petitioner by virtue of a last will and

testament dated 12th October, 2009. After the death of said Kalpana Sinha the petitioner duly obtained the probate on 18th March, 2012. Thereafter the petitioner approached the authorities of the Urban Development (Urban Land Ceiling) Department praying for exemption of the excess vacant land at the aforesaid plot.

The learned advocate appearing for the petitioner submits that after obtaining the probate, the petitioner applied for mutation before the 4th respondent and the petitioner was communicated with a decision that the petitioner has to file certain documents one of which is an exemption certificate to be obtained from the Urban Land Ceiling Department of the Government of West Bengal. Pursuant to the said direction the petitioner approached the Urban Land Ceiling Department praying for issuance of an exemption certificate and the petitioner was informed by the Special Secretary to the Government of West Bengal, Urban Development (Urban Land Ceiling) Department by a letter dated September 17, 2015 that the matter of exemption may be considered after mutation of the land in favour of the applicant. The petitioner thereafter applied for mutation before the Estate Manager, Kalyani, Urban Development Department for mutation of his name in the records of the Urban Development Department and the Estate Manager, Kalyani, Urban Development and Municipal Affairs Department by a letter dated 10th August, 2023 informed the petitioner to submit

the permission for retention of ceiling excess land in terms of the Urban Land Ceiling Act, 1976. Since the petitioner was confronted with two documents from two different authorities one saying that the permission for retention of ceiling excess land should precede the application for mutation while the other says that the mutation should precede the consideration of the prayer for permission for retention of ceiling excess land, the petitioner was compelled to approach this Court.

The learned advocate appearing for the petitioner in course of her argument produces a copy of Government Order dated 13th June, 2025 in support of her contention that the Hon'ble Governor has been pleased to order that all land parcels allotted by the State Government or its Parastatals or by Urban Local Bodies as per the procedure prescribed in the Land Allotment Policy, shall be exempted from the provisions of Chapter-III of the Urban Land (Ceiling and Regulation) Act, 1976 subject to certain conditions as indicated in the said Government order. The learned advocate further submits that in view of the said Government order there is no further necessity to obtain the permission for retention of ceiling excess land in respect of the plot in question.

The learned advocate appearing for the State, on instructions, submits that the prayer for mutation can be considered only after the petitioner applies for the same through online mode as the practice of filing mutation

application through physical mode has been discontinued and if such an application is submitted through online mode, the respondent no.4 shall consider and dispose of the same within the time limit as may be prescribed.

Faced with such situation, the learned advocate appearing for the petitioner submits that the petitioner may be given liberty to apply for mutation through online mode and a direction be passed upon the concerned authority to dispose of the said application within a stipulated time limit.

After going through the Government Order dated 13.06.2025, this Court finds that the said Government Order shall apply to the land allotted by the State Government or the parastatals of the State Government or by urban local bodies. By virtue of the said Government order allotment of such lands shall be exempted from the provisions of Chapter III of the Urban Land (Ceiling and Regulation) Act, 1976 subject to certain conditions.

It prima facie appears to this Court that the petitioner shall be entitled to the exemption from the provisions of Chapter III of the 1976 Act.

After hearing the learned advocate for the respective parties, it appears to this Court that confusion as to whether there is any necessity to obtain the permission for retention of ceiling excess land has now been resolved with by the issuance of the Government order dated 13th June, 2025.

In the light of the submissions made by the learned advocates for the respective parties, WPA 26523 of 2025 stands disposed of by giving liberty to the petitioner to apply for mutation before the Estate Manager & Ex-Officio Assistant Secretary, Urban Development Department, Government of West Bengal being the 4th respondent through online mode and if such an application is submitted in accordance with law along with the requisite document, the respondent no.4 shall consider the same and dispose of such application as expeditiously as possible but positively within a period of four weeks from the filing of such application. In case the said respondent is contemplating any adverse decision against the petitioner, an opportunity of hearing should be provided to the petitioner and it will be open to the petitioner to place reliance upon Government order dated 13th June, 2025 and any other circulars, notifications, Government orders etc. at the time of consideration of his prayer for mutation.

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.)