

Item-  
2.                    07-01-2026  
  
sg                    Ct. 19

**WPA 28182 of 2025**  
  
Rabi Tirtha, a Society,  
represented by its Secretary  
Versus  
State of West Bengal & Ors.

Ms. Swati Chowdhury  
Mr. Sashwat Nayak                    ...for the petitioner  
  
Mr. Amitava Mitra  
Mr. Afrazul Haque                    ... for the respondents

Mr. Mitra, learned Advocate appearing for the State submits that the Special Secretary, Department of Urban Development & Municipal Affairs, Government of West Bengal, Nagarayan, is a necessary party in the instant writ petition.

Faced with such situation, the learned Advocate appearing for the petitioner prays for leave to add the Special Secretary, Department of Urban Development & Municipal Affairs, Government of West Bengal, Nagarayan, having its office at DF-8, Sector-I, Salt Lake City, Kolkata-700064, as party respondent in this writ petition.

Leave is granted to the learned Advocate for the petitioner to amend the cause title of this writ petition, here and now.

Since the State is represented by the learned Advocate, there is no necessity to serve the amended copy of the writ petition upon the added respondent.

However, the learned Advocate-on-Record for the petitioner shall be obliged to serve copy of the amended cause title of the writ petition upon the learned Advocate

representing the State forthwith.

The petitioner is a society and the authorized representative of the Society claims that by a Government Order dated October 13, 2009, a plot being No. 27/F/2, Block DD, Sector-I, Salt Lake, Kolkata-700064, measuring an area of about 4.50 cottahs, has been allotted in favour of the society for establishment of a cultural institute and museum in memory of Late Suchitra Mitra. It is claimed that the petitioner deposited the entire salami amount as well as an amount in excess thereof pursuant to the direction of the respondent authorities. It is contended that the authorized representative of the society was called for a hearing by the respondent authorities on several occasions for the purpose of such allotment and the authorized representative attended several of such hearings, but for reasons beyond control, the last hearing could not be attended by the authorized representative of the society.

The petitioner has approached this Court praying for issuance of a writ of mandamus directing the respondent authorities to execute a lease deed, register the same and handover the possession of the plot in question to the petitioner.

Mr. Mitra, learned Advocate appearing for the State files a copy of the written instruction dated 23<sup>rd</sup> December, 2025 signed by the Special Secretary, Government of West Bengal, which is taken on record.

Mr. Mitra further submits that while the department was taking steps to execute the lease deed, it came to the notice of the department that the plot was fully encroached by

hutments/slums by making constructions thereupon. Immediately thereafter, the department took steps for eviction of the encroachers and after evicting the encroachers, temporary boundary fencing has been put to prevent any further encroachment upon the plot in question till the process for execution of the lease deed is completed. Mr. Mitra further submits that the draft lease deed has already been prepared and the same shall be supplied to the petitioner within the time limit as may be fixed by this Court.

Heard the learned Counsel for the respective parties and perused the materials placed before this Court including the written instruction of the Special Secretary to the Government of West Bengal dated December 23, 2025. It has been recorded in the said instruction that a resolution was adopted in a meeting that the society agreed to accept the area of the plot as 4.29 cottah instead of 4.50 cothah. It is also resolved in the said meeting that “the Society is Agreeable to accept a lease of 99 years instead of 999 years as mentioned in the allotment letter from Urban Development Department dated 13 October 2009”.

On a query of the Court, learned Advocate for the petitioner does not dispute such factual position.

Though there is some delay in execution of the lease deed, but this Court finds that the delay was caused due to encroachment made by hutments/slum dwellers. Since such encroachment has been removed in the meantime and a temporary boundary fencing has been put up and also that the model draft lease deed has also been made ready in the meantime, the writ petition is disposed of with the following

directions:

- (i) The authorized representative of the petitioner shall attend the office of the Special Secretary, Government of West Bengal being the added respondent, on January 15, 2026 at or about 2 PM and if the said authorized representative attends the office of the Special Secretary on the date and time mentioned hereinbefore, the model draft deed shall be handed over to such authorized representative of the petitioner;
- (ii) The petitioner through its authorized representative shall submit the approved model draft lease deed to the Special Secretary, Government of West Bengal/added respondent, on or before January 20, 2026;
- (iii) The Special Secretary, Government of West Bengal/added respondent, is directed to complete the entire process of execution and registration of the lease deed and shall hand over the possession of the plot in question to the petitioner as expeditiously as possible but positively on or before March 20, 2026;

WPA 28182 of 2025 is, accordingly, disposed of.

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

**(Hiranmay Bhattacharyya, J.)**