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13.01.2026  
Court. No. 25  
D.Hira

**WPA 28149 of 2025**

Mark & Meadows & Anr.  
Vs.  
State of West Bengal & Ors.

Mr. Joydip Kar, Sr. Adv.,  
Mr. D.N. Sharma,  
Mr. S.K. Mal,  
Mr.S. Jain,  
MR. Farhan Ghaffar,  
Mr. Ankit Agarwalla.

... for the petitioners

Mr. Suddhasatwa banerjee,  
Ms. Parna Roy Choudhury.

... for the SFDCL

Mr. Amal Kumar Sen, Ld. A.A.G.,  
Mr. Sombuddha Dutta,  
Ms. Debdooti Dutta.

... for the State

1. The petitioners have filed the present writ application challenging the order of termination of the lease of the petitioners dated 2<sup>nd</sup> December, 2025.
2. Learned counsel for the petitioners submits that the lease of the petitioners was terminated only on the ground of non-payment of the rental charges.
3. Learned counsel for the petitioners submits that the impugned order was issued on 2<sup>nd</sup> December, 2025 and immediately when the petitioners came to know that the amount was due, on 4<sup>th</sup> December, 2025, the petitioners have paid the amount of Rs.36,49,176/- to the respondents. After payment of the amount, the petitioners have

made a representation to the respondent authorities requesting for withdrawal of the termination notice, but in spite of receipt of the representation submitted by the petitioners, the authorities have not considered the request of the petitioners and accordingly the petitioners have filed the present writ application.

4. On the other hand, learned counsel for the respondent authorities submits that in the writ petition, the petitioners have disclosed some additional documents which are not in the knowledge of the respondents. The respondents intends to deal with the document relied by the petitioner in the present writ application. He submits that the writ petition can be disposed of by setting aside the impugned order by giving liberty to the respondents to take appropriate steps in accordance with law.
5. Learned counsel appearing for the petitioners raised objection to the proposal of the respondent and submits that the petitioners have filed the present writ application on the ground that the petitioners have paid the due amount and made a representation for consideration of the request of the petitioners for withdrawal of the termination notice but the respondent authorities have not considered the same.

6. The petitioners have relied upon Section 114 of the Transfer of Property Act and submitted that once the petitioners have paid the arrears of the rent, the authorities cannot continue with the termination.
7. He further submits that the respondents have passed impugned order only on the ground of default in paying rent. Now the respondents intent to take directions from this Court for taking further action which is not permissible.
8. The petitioners have already paid the outstanding due to the respondents. The respondents conceived that the impugned order may be set aside with the liberty to take appropriate steps against the petitioners. As per the submissions of the respondents the impugned order dated 2<sup>nd</sup> December, 2025 is set aside.
9. However, it is made clear that if the respondents have any right to take any action under the agreement, it is upon the respondents to take any appropriate steps.
10. Accordingly, WPA No. 28149 of 2025 is disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, with all necessary formalities.

**(Krishna Rao, J.)**