

03.01.2024

Ct. no.654

Sl. Nos.19

sn

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 1980 of 2023  
(Specially Assigned)**

**Nandini Chatterjee & Anr.  
Vs.  
The State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharyya  
Mr. Shamba Chakraborty  
Mr. Triptim0y Talukdar  
..for the petitioners

Affidavit-of-service filed by the petitioner is taken on record.

Mr. Kamalesh Bhattacharyya, learned advocate for the petitioners submits that the lease was granted to one Satyabrata Dasgupta(since deceased) on 21<sup>st</sup> November, 2000. During the subsistence of the lease, the lessee executed a General Power of Attorney in favour of the petitioner no.2 to construct building on the leasehold land as per sanctioned plan. Thereafter, the petitioners got the plan sanctioned from the Kalyani Municipality and constructed building structures therein. The petitioners are presently in possession of the leasehold property. The lessee Satyabrata Dasgupta (since deceased) after executing General Power of Attorney also applied before the Estate Manager, Kalyani, Urban Development Department seeking permission for transfer of the leasehold right in favour of the petitioner no.1 on 4<sup>th</sup> November, 2004. However, such application was not disposed of and in the meantime the lessee Satyabarata

Dasgupta expired. He also indicates during his lifetime Satyabrata Dasgupta (since deceased) executed a Will in favour of the petitioner no.1, Nandini Chatterjee, in respect of the leasehold property. The petitioner no.1 applied before the Estate Manager for taking appropriate steps for transfer of the leasehold right in their favour. However, without passing any reasoned order, the petitioners were directed by the Estate Manager vide its letter dated 2<sup>nd</sup> January, 2023 to vacate the building over plot no.A-10/283 Kalyani Township which is arbitrary. Hence, the petitioners are constrained to file this writ petition for proper relief. He seeks for interim order not giving effect to the letter dated 2<sup>nd</sup> January, 2023 issued by the Estate Manager, Kalyani UD & MA Development, Government of West Bengal for vacating the premises.

Despite service of notice, none appears on behalf of the State-respondents.

Mr. Chandi Charan De, learned Additional Government Pleader, who usually appears on behalf of the State-respondents is requested to appear in this matter. Let appointment of Mr. Chandi Charan De, learned Additional Government Pleader be regularised by the concerned authority.

Mr. De, learned advocate for the State-respondents seeks to file affidavit-in-opposition.

Considering the facts involved, it would be expedient that the respondent no.3 shall not give effect to

letter issued on 2<sup>nd</sup> January, 2023 for vacating of premises for a limited period.

Accordingly, the respondent no.3, in the meantime, shall not give effect to the letter No.03/A-10/283 dated 2<sup>nd</sup> January, 2023 for a period of six weeks from date or until further orders, whichever is earlier.

Parties shall be at liberty to pray for modification/extension and/or variation of the order in accordance with law.

Learned advocate for the petitioners is requested to hand over copy of the writ petition and its annexures to Mr. De, learned Additional Government Pleader for the State-respondents.

Let affidavit-in-opposition be filed within four weeks from date. Reply thereto, if any, be filed within one week thereof.

Let the matter appear on **9<sup>th</sup> February, 2024** under the heading "**Specially Assigned**".

**(Bivas Pattanayak, J.)**