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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA NO. GA/17/2023
In CS/702/1903

GANESH SARAN AGARWALA
Vs
KANHAYALAL AGARWALLA

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 8th May, 2023.

Appearance:
Mr. Sakya Sen, Adv.
Mr. S. Laha, Adv.
Mr. C. K. Deora, Adv.

The Court : GA/17/2023 is filed in connection with the trust property located at 2B, Babulal Lane, Kolkata- 700007.

Babulal Agarwala, since deceased breathed his last in October, 1873. Prior to his death he executed his last Will and Testament dated 6th August, 1873 under which a trust was created in respect of several immovable properties including the present one under the name and style of "Estate Babulal Agarwalla" for religious and charitable purpose. Probate of the last Will and Testament dated 6th August, 1873 of the testator Babulal Agarwala was granted by this Court on 30th December, 1883.

In course of management and administration of the estate disputes and differences arose leading to filing of suit no. 702 of 1903 (Amrit Bibi Vs. Kahyalal Agarwalla). In that suit a scheme was framed by this Court. A scheme was framed by this Court dated 18th September, 1944 which is annexed with the application. The present petitioners are trustees of the property. Petitioner no.1 was appointed

as a trustee in terms of Order dated 30th March, 1994 in Appeal no. 64 of 1994 whereas the petitioner no.2 was appointed as a trustee by Order dated 3rd December, 1998 passed by this Court.

The problem faced by the present petitioners in management of the estate is that premises no. 2B, Babulal Lane, Kolkata – 700007 is fully tenanted and is in a dilapidated condition and has collapsed due to heavy rain on 4th September, 2021. Parties have negotiated with one M/s. K. N. Vinimay (P) Ltd. to reconstruct and develop the suit property. The scheme so framed by this Court is annexed here with. Liberties were given to the trustees in the scheme to apply to this Court seeking for direction in any manner connected with administration and management of the estate. There is a provision in the scheme to have the building constructed on vacant lands belonging to the estate or in place of old dilapidated building of the estate, for improvement. Therefore, reconstruction or development of structure in place of collapsed building is contemplated in the scheme itself.

For proper administration of the estate as well as for benefit of the same, I am of the opinion that a public notification should be given inviting tenders or applications for construction as proposed instead of approaching a single developer. In doing so numerous offers may be made, the trustees, shall have a range of options and choice to select one which is for the best benefit of the property.

Mr. Sen, learned Counsel appearing for the petitioner also agreed to the proposal. Therefore, for the time being, notice inviting tender for development and/or reconstruction of the premises shall be

published in a Hindi daily as well as in an English daily in circular in this city. A draft notice shall be approved by learned Registrar, Original Side. The petitioner shall endeavor to publish the notice within a fortnight. The notice shall be issued in the name of Advocate-on-record.

Let the matter appear in the list on 8th June, 2023 for further hearing of the application of GA/17/2023.

(SUGATO MAJUMDAR, J.)

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