

OD-2

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

IA NO. GA/60/2025

In

CS/1147/1947

SREEMATY SAILI GHOSH & ORS. VERSUS DEBAPRIYO SEN
& ORS.

Before:

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 20th JUNE, 2025

Appearance
MS. Saili
Ghosh, Adv.
...for the plaintiffs
Mr. Debapriyo Sen, Adv
...for the Defendants

The Court: This is an application by the Defendant No: 2A I Suparna Mitra (alias SRIPARNA MITTER) SHE BAIT of the DEITY SRI SRI ISWAR GOKUL CHANDRA JEW praying for the following reliefs:

- a) The offer to develop the said PROPERTY in terms of the said OFFER LETTER dated February 4 2022 be accepted on the terms and conditions as contained therein and/or on such terms and conditions as shall be deemed fit and proper.
- b) Leave be granted to your petitioner to develop and/or promote all that the said PROPERTY containing an area of 02 COTTAHS, 15 CHITTUCKS and 30 SQUARE FEET be the same a little more or less situate lying at and being premises No: 70/2B, Gauri Bari Lane, Police Station : Ultadanga, Ward no: 12 Kolkata : 700004; old premises No. 70/2 Gauri Bari Lane in Sutanuty in the town of Calcutta through the said DEVELOPER/PURCHASER, M/S. RAM CONSTRUCTIONS a partnership Firm having its office at 36A/H/22 Biplabi

Barin Ghosh Sarani Police Station : Maniktala, Kolkata – 7000067, in terms of the said OFFER LETTER dated FEBRUARY 04, 2022.

- c) Leave be given to your petitioner to enter into Agreements with the Tenants and/or other Occupiers of the said PROPERTY for obtaining vacant and peaceful possession of the same whether permanently or temporarily so as to facilitate construction of the New Building at the said PROPERTY on such terms as may be agreed upon;
- d) Leave be granted to your Petitioner to make Sign execute and register all Agreements and/or Development Agreement and/or Deed of Conveyance and/or Lease and/or General Power of Attorney and/or such other Deeds and Documents as may be required pertaining to the said PROPERTY;
- e) To receive the amounts of Earnest Money and/or Consideration Money or Premium or Rent or any other amounts arising out of the Sale or Lease or Tenancy or otherwise from the disposal of the aforesaid DEITY'S ALLOCATION of the built-up-area in the New Building to be constructed at the said PROPERTY or the whole or any part or portion thereof.
- f) To disburse all outstanding costs and expenses as shall be incurred by your petitioner out of the said proceeds.
- g) To invest the balance amount of the consideration money available, out of the sale or disposal of the said DEITY'S ALLOCATION the whole or any part or portion thereof after disbursement of the amounts mentioned in Prayer[e] aforesaid in Fixed Deposit or any other more beneficial accounts in the name of the DEITY, represented by your Petitioner and the Defendant Nos.: 2 and 2A as SHEBAITS of the said DEITY, SRI SRI ISWAR GOKUL CHANDRA on such maximum benefits as may be available.

- h) To use and utilize the entire benefit arising out of such Fixed Deposit or any other more beneficial Account, only for the benefit of the said DEITY, SRI SRI ISWAR GOKUL CHANDRA JEW;
- i) The costs of and incidental to this Application to be borne and paid by the DEVELOPER:
- j) Such further Order or Orders be passed and/or Direction or Directions be given as this Hon'ble Court may deem fit and proper;

It is the contention of the applicant that SREE SREE ISWAR GOKUL CHANDRA JEW, SREE SREE ISWAR NARAYAN JEW and LAKHI THAKURANI (KUNKE) are the family DEITIES of the Family of one ISHAN CHANDRA MITTER since deceased and one BISTOO CHUNDER MITTER since deceased. All the DEITIES are located at 10B Ultadanga Road, Police Station : Burtalla, Kolkata-700004.

It is further contended that in terms of the bequests made in the LAST WILL and TESTAMENT DATED January 06, 1870 published by the said BISTOO CHUNDER MITTER since deceased, all earnings from the Estate of the Settlor did ultimately revert back to the Sheba Puja of the said Family Deity. SRI SRI ISWAR GOKUL CHANDRA JEW. The said Bistoo Chunder Mitter died on February 1870 and the probate of the said WILL was granted on March 13, 1870.

It is contended that due to disputes and differences between the descendants of the Settlor several suits were filed and disposed. The instant suit being CIVIL SUIT NO : 1147 of 1947 was disposed of by way of a FINAL DECREE DATED April 9, 1859. By the said decree the shares as shebaitis of the said Deity were interalia declared and a scheme was framed. As per the said Decree the parties were at liberty to apply before this Court from time to time when they may have occasion.

It is further contended that the instant application relates to a demarcated portion of a property separated by brick built boundary walls being ALL THAT the piece and parcel of Land containing by ad measurement 02 Cottahs, 15 Chittuks and 30

square feet be the same little more or less together with the brick built structures standing therein situate and lying at premises Nos. 70/2B. GOURI BARI LANE Kolkata – 700004 within WARD No: 12 of the Kolkata Municipal Corporation presently under Police station Burtalla. The said property is clubbed with several other properties. It is also contended that the said property is entirely occupied by the tenants, and from meager rent the Petitioner as well as other Shebaitis are not in a position to undertake huge expenses for repair and renovation of the said buildings out of their own fund.

It is contended that by an offer Letter dated February 04, 2023 one M/S. Ram Construction a partnership Firm having its office at 36A/H/22 Biplabi Barun Ghosh Sarani P.S. Maniktala, Kolkata 700067, the offeror proposed to promote and develop the subject property. It is also contended that the Developer shall pay a total amount of Rs. 25 lakhs.

Heard Learned Advocate for the petitioner perused the petition filed and materials on record. Upon hearing the Learned Advocate and considering the income of the Estate of the Deities, the expenditure to be incurred and the offer Letter dated February 4, 2023 issued by the Developer this Court is of the view that the applicant has been able to make out a case for grant of permission to develop the subject Property. Thus the petition should be allowed.

Let there be an order in terms of prayer a), b), c), d), e), f), g) and h) of the Notice of motion.

(BISWAROOP CHOWDHURY, J.)