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ORDER SHEET

AGA/2/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF :
THE ADMINISTRATOR GENERAL OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 7th May, 2025.

Appearance:

Mr. Indranil Nandi, Mr. Sayak Konar,
Advocates for the petitioner.

Mr. Souradipta Banerjee, Mrs. Fatima Hassan, Mr. Ranojoy
Mullick, Advocates for Shreepati Apartments Private Limited.

Mr. Sayan Ganguly, Mr. Arindam Mondal, Advocates for the State.

The Court: A draft lease deed is placed before the Court for the purpose of approving the same for execution. The said draft lease deed is taken on record. On a perusal of Clause 6 it is apparent that the lessee shall be at liberty to develop the demised property after negotiating with the occupants/third parties to be illegally in occupation of portions of the said property and shall be further entitled to sub-let or sub-lease part or portion thereof. The said clause also provides that three occupants have already agreed to vacate their respective portion for the purpose of constructing a multi-storied building thereat. The property is situated in the Burrabazar area where demands for

commercial and residential units are admittedly very high. If the lessee is granted the right to develop the property and sub-let or sub-lease part or portion thereof to third parties, there is every likelihood of long drawn litigation in future because of the difference in applicable law and lack of privity of contract between the lessor and the third party/entity to whom the same will be sub-let or sub-leased. That apart and in any event, by paying only Rs.3,10,000/- as lease rent per month for a property measuring about 7 cottahs 7 chittacks 15.91 sq. ft. equivalent to 498.97 sq. meter for a period of 99 years with the right to develop appears to be inconsistent with the grant.

The Administrator General and the entity in whose favour the lease has been confirmed shall discuss and provide for the modalities to prevent multiplicity of judicial proceedings and augmentation of income of the Administrator General.

Let this matter appear in the monthly list of June, 2025.

(ARINDAM MUKHERJEE, J.)