

Government of West Bengal  
Urban Development Department  
Nagarayan, DF-8, Sector-I  
Salt Lake, Kolkata - 700064

No. 745-SL(AL)-3L-741/66(AC-80)

Dated: 10<sup>th</sup> May, 2016

From : The Land Manager, Bidhannagar,  
Urban Development Department,  
Government of West Bengal

To : Smt. Krishna Sarkar,  
Plot No.AC-80, Sector-I, Salt Lake,  
Kolkata - 700064

Sub: .Copy of Reasoned Order passed in compliance with order of  
Hon'ble High Court at Kolkata in respect of plot no.AC-80  
at Bidhannagar

Ref: W.P.No.12291(W) of 2011

Smt.Krishna Sarkar

... Petitioner

-vs-

The State of West Bengal & Others ... Respondent

Sir/Madam,

Enclosed please find herewith a copy of Reasoned Order passed in compliance with  
the order dated 10.02.2016 of Hon'ble Justice Sudip Ahluwalia in the above referred writ  
petition.

Encl: As stated

Yours faithfully

*SLP*

Land Manager, Bidhannagar  
Urban Development Department  
Government of West Bengal

No. 745/1(2)-SL(AL)-3L-741/66(AC-80)

Dated: 10<sup>th</sup> May, 2016

Copy forwarded for information to:-

1. The Additional Chief Secretary, U.D.Department, Nagarayan, Block-DF-8, Sector-I, Salt Lake, Kol-64
2. Office Copy.

*SLP*  
10/5/16

Land Manager, Bidhannagar  
Urban Development Department  
Government of West Bengal

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Urban Development Department  
Nagarayan, DF-8, Sector-I, Salt Lake Kolkata-700064

W.P.No-12291 (W) of 2011

Krishna Sarkar

-VS-

The State of West Bengal & Others

Reasoned Order

07-4-2016

The matter is taken up for passing a final appropriate order in accordance with the order passed by Hon'ble Justice Sudip Ahluwalia on 10.2.2016. From the records available in the plot file it appears that the Petitioner Smt. Krishna Sarkar submitted an application on 12.3.2008 for mutation of plot no.AC-80, Sector-I, Salt Lake, on the basis of the last Will and Testament of Late Dr. Somnath Sen and Probate granted by Hon'ble High Court at Calcutta in P.L.A. No.80 of 2008.

The lessee Dr. Somnath Sen has made a bequest of the said property in favour of the Petitioner Smt. Krishna Sarkar, who is neither a close relation nor a natural legal heir of the lessee. From the file records it also appears that the lessee has submitted Rs.2000/- as processing fees whereas Rs.10,000/- is the present processing fees. Besides, the applicant has not submitted photo and signature of the applicant duly attested, photo Id and address proof of the applicant, declaratory affidavit concerning benefit of the Will, copy of sanctioned building plan and copy of clearance certificate.


Considered.


This is a case of Will & Testament made in favour of a person who is not close blood related/legal heir of the lessee.

The Urban Development Department, Government of West Bengal has published Notification No. 2709 Dt. 22.6.2012 and Notification No. 3377 Dt. 2.9.2013 wherein it has been made clear that all devolutions, except in favour of close blood relations shall be deemed to be transferred and transfer fees will be applicable. However, operation of the said Notification No. 2709 has been restrained by an interim order dt. 16.4.2015 of the Hon'ble High Court at Calcutta in W.P. No. 8057(W) of 2015 till further order of the Hon'ble Court. This present issue of mutation may be considered and disposed of after final order is passed by the Hon'ble Court in W. P. No. 8057(W) of 2015.

Inform all accordingly.

Dictated  
&  
Corrected by me

  
Land Manager, Bidhannagar

  
Land Manager, Bidhannagar  
Urban Development Department  
Government of West Bengal