

7

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

No. 1359-UD/O/M/LAW/C-22/2016(DD-10)

Dated: 15<sup>th</sup> July, 2016

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

To : i) Dr.(Mrs.Minati Banik),  
W/o Dr. Jati Ranjan Banik,  
AD-163, Sector-I, Salt Lake, Kolkata - 700064  
ii) Dr. Jati Ranjan Banik,  
AD-163, 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.DD-10  
Sector-I, Salt Lake, Kolkata - 700064

Ref: W.P.No.6968(W) of 2015

Dr.(Mrs.) Minati Banik & Anr. ... 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 11.05.2016 of Hon'ble Justice Samapti Chatterjee in the above referred writ petition.

Encl: As stated

Yours faithfully

Sd/-  
Land Manager, Bidhannagar  
Urban Development Department  
Government of West Bengal

No. 1359/1(3)-UD/O/M/LAW/C-22/2016(DD-10)

Dated: 15<sup>th</sup> July, 2016

Copy forwarded for information to:-

- ✓ 1. The Sr.P.S. to the Additional Chief Secretary, U.D.Department, Nagarayan, Block-DF-8, Sector-I, Salt Lake, Kolkata - 700064
2. The P.A. to the Special Secretary, (Sri G.C.Ghose) U.D.Department, Nagarayan, Block-DF-8, Sector-I, Salt Lake, Kolkata - 700064
3. Office Copy.

Sd/-  
Land Manager, Bidhannagar  
Urban Development Department  
Government of West Bengal

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

W.P.No-6968 (W) of 2015

Dr. J. R. Banik & Another

-VS-

The State of West Bengal & Others

**Reasoned Order**

**27-6-2016**

The matter is taken up for hearing in pursuance of Order passed on 11.05.2016 by Hon'ble Justice Samapti Chatterjee in W.P. No.-6968 (W) of 2015. One of the petitioners, Dr. J. R. Banik has appeared before me. The other petitioner Dr. (Mrs.) M. Banik though not present is duly represented by Dr. J. R. Banik by means of authorization letter. Hon'ble Justice has directed the Land Manager, Bidhannagar to consider and take a decision in respect of the petitioners' representations dated. 31.12.2014, 27.01.2015 and 09.02.2015 for rectification of the Lease Deed, dt. 07.12.1978 by incorporating the names of the petitioners as lessees in place & stead of the company in respect of the said plot-in-question, in the light of the observations as indicated in the said order.

Dr. Banik is heard. His submissions are same as already expressed in his earlier submissions mentioned herein above.

Perused the records and documents available in the original plot file. It appears from the records in the plot file that on 12.04.1977 Dr. J. R. Banik & Dr. (Mrs.) M. Banik applied to the Secretary, Metropolitan Development Department, Salt Lake Project & Public Works Department, Rabindra Sarani, Calcutta for allotment of land for a small hospital. Thereupon, the government allotted plot no. DD-10 with an area of 16.77 cottahs as the plot was chosen by the applicants.

It also appears that on completion of payment of salami by the applicants draft Lease Deed was sent to the allottees vide No. 532-SL(AL)/SB, dt. 18.07.1978. On 24.08.1978 the allottees submitted a letter bearing no. Nil, dt. 09.08.1978 stating therein "it is our prayer that the land may be reallocated in the name of our family institution whose Directors will be ourselves. This will keep the running cost low, the benefit which may be passed to the people of our state.....We hope that this may be sanctioned at your earliest so that we may proceed with construction immediately".

In another letter dt. Nil they made the same petition that the allotted "land may stand in our family institution J. R. and M. Banik Private Ltd. ....This will help us to keep the running cost low the benefit of which may be passed on to the people of the State Directly." Thereafter, on 20.10.1978 the allottees also submitted a copy of certificate of Incorporation of their family institution namely J. R. and M. Banik Private Ltd. and reiterated their prayer to allot the plot of land DD-10 in the name of abovementioned family company instead of their personal name. Thereafter, the Lease Deed was executed on 07.12.1978 between the Governor of the State of West Bengal as lessor and J. R. and M. Banik (Pvt.) Ltd. a Company

registered under the Company Act. 1956 and the same duly registered before the Sub-Registrar, Cossipore-Dum Dum.

From the above findings it becomes crystal clear that the plot DD-10 though originally allotted in the name of Dr. J. R. Banik and Dr. (Mrs.) M. Banik two individual applicants, the Lease-Deed was executed and registered in the name of a 'J. R. and M. Banik (Pvt.) Ltd.' a private limited company only on the repeated requests from the individual applicants/allottees who so requested to avail of some benefit and the Government only obliged.

It is neither a mistake on the part of the Government authority nor a willful/intentional misdeed on the part of the Government authority but the Government has only acceded to the repeated requests from the allottees. So, the prayer for rectification of the Lease Deed, dated 07.12.1978 by incorporating the names of the individual allottees in place and stead of the 'J. R. and M. Banik (Pvt.) Ltd.' a private limited company does not appear to have any reasonable ground whatsoever and hence is hereby rejected.

The representations dated 31.12.2014, 27.01.2015 & 09.02.2015 are thus disposed of.

Inform all accordingly.

Dictated & Corrected by me



Land Manager, Bidhannagar



**Land Manager, Bidhannagar  
Urban Development Department  
Government of West Bengal**