

Government of West Bengal
Department of Urban Development & Municipal Affairs
Land Cell (Non Residential)
"NAGARAYAN", 3rd floor
DF-8, Sector-I, Salt Lake
Kolkata-700 064
Jsskd.udma@gmail.com

NO. 3181-UD/O/M/SL(AL/NR)/6L-3/99

Dated: 31.10.2018

From: Joint Secretary to the
Government of West Bengal

To: ✓ Sri Manju Lal Deb
DC-27/26, Sector-I, Salt Lake
Kolkata-700 064

Sub:- Violation of terms and conditions of the lease deed in respect of Plot No DC-26/27, Sector-I, Salt Lake, Kolkata-700 064 leased out to Manju Lal Deb

WHEREAS by a deed of indenture executed between the Governor of State of West Bengal and Shri Manju Lal Deb on 20.01.1987, Plot No DC-26/27 measuring 5.4438 cottah was leased out to Sri Manju Lal Deb on the terms and conditions as set forth in the said deed for the purpose of construction of a building thereon for use for setting up an automobile repairing shop/garage;

AND WHEREAS possession of the said land was handed over to the lessee on 12.06.1987 vide Possession Certificate No 5476 dated 12.06.1987;

AND WHEREAS the lessee vide his letter dated 29.12.1998 informed that he had constructed a four storied building on the demised land as per sanctioned building plan and in order to pay off substantial amount of construction loan, he applied for permission to let out surplus space of the upper floors of the said building on commercial purpose;

AND WHEREAS on departmental enquiry conducted in the year 2001, it was revealed that the lessee had grossly violated building rules and constructed a building having six floors including ground floor. Out of the six floors one floor was made of wooden plank. The ground floor was occupied by automobile repairing shop/cum garage and some of the upper floors were already let out on commercial purpose. Further a transmission tower/antenna was set up on the top of the overhead reservoir without taking prior permission of this Department;

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AND WHEREAS setting up of automobile repairing shop/garage did not require substantial investment necessitating letting out upper floors of the said premises on commercial purpose;

AND WHEREAS from several correspondences written by the lessee it is revealed that in order to maximise his income from the demised land, the lessee from the outset wanted to utilise the land not only for setting up of automobile repairing shop/garage but also for other commercial purposes as well;

AND WHEREAS in order to fulfil his intention the lessee did not hesitate to violate the building rules;

AND WHEREAS in response to this Department's letter No 3645-UDS/O/M/SL(AL/NR)/6L-3/99 dated 10.09.2002, the lessee vide his letter dated 07.01.2011 admitted that subletting of a portion of the building was done with the permission of Bidhannagar Municipality;

AND WHEREAS this Dept is the sole authority for taking any decision regarding change of land use purpose as well as granting permission for renting out;

AND WHEREAS without taking prior approval of this Department, the lessee had already changed the land use purpose;

AND WHEREAS from a field enquiry conducted on 19.04.2018 it has been found that the ground floor of the said premises is occupied by one restaurant by name "Balle Balle Dhaba" and intermediate floor between ground floor and first floor has been used as a spa namely "Swadesh Namste Spa";

AND WHEREAS during inspection no trace of the automobile repairing shop/garage could be seen inside the said premises;

AND WHEREAS Hon'ble Mayor of the Bidhannagar Municipal Corporation has opined that portions of the building and premises in plot no. DC-27/26, Sector-I, Salt Lake was constructed in contravention to the last sanctioned building plan of 1994 as well as the

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prevailing building rules and the unauthorised portions of the said building were liable to be demolished as per the provisions of section 266 of West Bengal Municipal Corporation Act,2006;

AND WHEREAS in terms of clause 2(6)(a) of the lease deed the lessee should have constructed the building in conformity with such building rules as any from time to time be framed by, the Government or other authority prescribed in that behalf and according to the plans, specifications, elevations, designs and sectioned by the Government;

AND WHEREAS the lessee has violated The Municipal Building Rules and thus violated clause 2(6)(a) of the lease deed;

AND WHEREAS in terms of clause 2(7) of the aforesaid indenture the said lessee, shall not sub divide or sub-let the demised land or the building to be constructed without the consent in writing of the Government

AND WHEREAS in terms of clause 2(8) of the principle lease deed the said lessee should not transfer the demised land without previous permission of the Government in writing;

AND WHEREAS in terms of Clause 2(9) of the aforesaid lease deed the lessee shall not change the land use purpose without prior written permission of this Department;

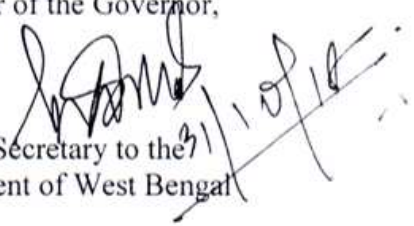
AND WHEREAS on departmental enquiry it transpires that the lessee has changed land use purpose without prior permission of this Department as well as sub-lease or sub-let different floors of the building for different commercial purposes without prior permission of this Department;

NOW THEREFORE, the undersigned is directed by Governor of the State of West Bengal to serve upon the lessee a notice under Clause (4) of the aforesaid indenture to remedy the breach caused by violation of the aforesaid Clauses of the aforesaid lease deed within 6 (six) months from the date of receipt of this notice and if the lessee fails/neglects to remedy the breach within the stipulated period, the aforesaid lease granted by the

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Government in respect of Plot No.27/26 in Block-DC in Sector-I, Salt Lake in favour of Sri Manju Lal Deb shall stand determined and Government will re-enter into possession of the aforesaid land or in part thereof in the name of the whole.

By order of the Governor,


Joint Secretary to the
Government of West Bengal

No. 3181-1(2)-UD/O/M/AL(AL/NR)/6L-3/99

Date:31.10.2018

Copy forwarded for information and necessary action to:-

- 01) The Executive Engineer (Design), Salt Lake Reclamation & Development Circle, Nirman Bhawan, Salt Lake, Kolkata – 700 091.
- 02) The Commissioner, Bidhannagar Municipal Corporation, Poura Bhawan, FD-415A, Salt Lake, Kolkata-700106.

Joint Secretary to the
Government of West Bengal