

07.07.2021
rc/ct.no.10
Item No.18

WPA No. 4145 of 2019
Bajranglal Changia
Versus
The State of West Bengal & Ors.

(VIA VIDEO CONFERENCE)

Mr. Suman De	
Mr. Debanshu Ghorai	for the petitioner
Mr. Satyajit Talukdar	...for the KMDA

Affidavit of service filed in Court today is taken on record.

The grievance of the petitioner is directed against a letter dated 04.01.2019 issued by the Kolkata Municipal Development Authority (in short, “KMDA”) canceling the allotment of land in favour of the petitioner.

It is submitted by the Advocate appearing on behalf of the petitioner that though the petitioner was allotted the land as far as back in 1987, the petitioner did not carry out any construction on the allotted land because of the reasons beyond his control. In particular, the petitioner relies on various medical records to highlight why no construction could be carried out at the subject premises.

It is significant to mention that as far as back as in the year 2008 the possession certificate had been issued to the petitioner and in the year 2009 a lease deed had also been executed in favour of the petitioner by the KMDA. By the impugned communication dated 04.01.2019 the KMDA

has cancelled the allotment in favour of the petitioner on the ground that the petitioner was unable to initiate any construction work within the stipulated time period at the subject premises.

I am of the view that there are no grounds whatsoever to interfere with the impugned communication dated 04.01.2019. There is no perversity, nor illegality nor arbitrariness in the impugned communication which warrants any interference at all. It is admitted that the petitioner was allotted the land as far as back in 1985 and possession was handed over to the petitioner in 2008. The petitioner has not carried out any construction at the subject premises for more than a decade. There can be no equity in favour of the petitioner which warrants any interference with the impugned communication. On the contrary, it is obvious that with the passage of time there has been a huge price escalation of the subject premises and the petitioner is obviously trying to hold on to the subject-premises. There is also no bonafides on the part of the petitioner.

Accordingly, I am of the view that the reasons contained in the impugned communication do not warrant any interference whatsoever.

Accordingly I find that there is no merit in this writ petition.

Hence, WPA No. 4145 of 2019 stands dismissed.

There shall be, however, no order as to costs.

In view of the fact that no affidavit has been called for and the allegation contained in this writ petition are denied.

(Ravi Krishan Kapur,J)