

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APELLATE SIDE**

WPA 24108 of 2019

Chitra Bhowmick & Anr.

- Versus -

**The Trustees for Improvement of
Howrah & Ors.**

Mr. Prasenjit Burman

.....For the petitioners

Mr. Satyajit Talukdar

.....For the respondent KMDA

Petitioner no. 1 is the widow of Late Manoranjan Bhowmick; petitioner no. 2 is the son of Manoranjan Bhowmick (since deceased). It appears that said Manoranjan Bhowmick (since deceased) was the tenant in respect of the residential premises situated at Narayan Pally, P.S. – Jagacha, District – Howrah. The said premises was acquired by the concerned respondent for construction of the road, commonly known as Kona Express Way under the West Bengal Land (Requisition & Acquisition) Act, 1948. As per the scheme under which the said premises was acquired provided, *inter alia*, that the owner as well as the occupier of a plot of land acquired for the purpose of construction of the aforementioned road would, *inter alia*, be provided with a plot of land to rehabilitate themselves.

In the present case, it appears that in fact Plot No. 62 of 26, Brajanath Lahiri Lane, Howrah (hereinafter referred

to as “the said plot of land) was allotted to Manoranjan Bhowmick (since deceased) for the purpose of constructing a building to rehabilitate his family. According to the petitioners, said Manoranjan Bhowmick died on August 14, 2016 leaving behind them as his only heirs and legal representatives who are entitled to occupy the Plot No. 62 of 26, Brajanath Lahiri Lane, Howrah.

The grievance of the petitioners in the said petition is that although the concerned respondents has put them in possession of the said plot of land, but they are refusing to execute the lease deed in favour of the petitioners.

From the affidavit-of-service filed by the petitioners, it appears that a copy of the writ petition has been received by all the respondents including the respondent Kolkata Metropolitan Development Authority (in short, ‘KMDA’) as well as the Trustees for Improvement of Howrah.

Learned counsel appearing for the respondent KMDA submitted that it is a fact that the premises in respect of which the said Manoranjan Bhowmick (since deceased) was a tenant was acquired for the purpose of construction of Kona Express Way and they have been put into possession of the said plot of land. It is further submitted that in fact it is the Trust for Improvement of Howrah, particularly its Chief Executive Officer, the respondent no. 4 herein, is the authority to execute the lease deed in respect of the said plot of land in favour of the petitioners. In support of such contention, copies of certain communications dated August 18, 2017 and March 28,

2019 exchanged between the Joint Secretary of the respondent KMDA and the respondent no. 4 were placed before this Court and the same are kept on record.

Inspite of service of the writ petition Trustees for Improvement of Howrah and its officers remained unrepresented.

Considering the facts of the case, particularly copies of the communications exchanged between the competent officers of the Trustees for Improvement of Howrah and the Joint Secretary, KMDA, there is no scope to doubt the petitioners' claim to have the lease deed in respect of the said plot of land being executed by the Trustees for Improvement of Howrah in their favour.

Accordingly, the writ petition WPA 24108 of 2019 stands allowed of by directing the respondent no. 4, the Chief Executive Officer, the Trustees for Improvement of Howrah to execute the lease deed in respect of the rehabilitated plot of land allotted to the petitioners' predecessor-in-interest, in favour of the petitioners, positively within three weeks from the date of communication of this order.

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

All parties shall act on a certified website copy of this order to be forthwith issued by the Department, subject to the petitioners fulfilling the required formalities.

(Ashis Kumar Chakraborty, J.)