

15
13.12.2021
Ct. No.10
b.das

W.P.A. 9837 of 2020

(Via Video Conference)

Kheya Abasan Samabay Samity Ltd.
Vs.
State of W.B. & Ors.

Mr. Debabrata Saha Roy
Mr. S. Das
Mr. N. Basu

...for the petitioner.

Mr. Chandi Charan De
Mr. A. Sarkar

...for the State.

Mr. Sayantan Bosefor the respondent No.5 & 6.

Heard learned counsels for the parties.

The petitioner's grievance is that in compliance with the earlier order of this Court, respondent Nos.5 & 6 intend to deliver possession of the land in question in an undeveloped state in violation of the allotment order issued by them on 20th February, 2011.

Learned counsel for the petitioner prays for a direction upon the said respondents to provide water, power and sewerage connection at the periphery of the plots at ground level in terms of the said allotment order before handing over possession of the same in favour of the petitioner. He further submits that development charge

has been paid by the petitioner in terms of the allotment order.

In producing a copy of the proposed certificate of possession, it is submitted on behalf of the 5th and 6th respondents that these respondents are ready to hand over possession of the property to the petitioner, who had not responded to such offer of the respondent.

Learned counsel submits that it is unlikely that there is no water, power and sewerage connection at the periphery of the plots in question. He further submits that the grievance of the petitioner is with regard to a contractual breach which cannot be entered into by this Court in its writ jurisdiction.

I have considered the submissions made on behalf of the parties.

It is not in dispute that the 5th and 6th respondents are ready to hand over possession of the plots in question to the petitioner on as is where is basis.

The petitioner is at liberty to take possession of the said land within a week from date. The petitioner is at further liberty to ventilate his grievance before the appropriate forum in the event of any breach of terms of the allotment order issued by the respondents and this Court, in exercising extra ordinary jurisdiction under Article 226 of the Constitution of India, shall not deal with such issue of violation of terms of the allotment order.

With the above observations and directions this writ petition WPA 9837 of 2020 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)