

D/L. 46.
December 14, 2022.
MNS.

WPA No. 6308 of 2010

Shri Bishnu Pada Naskar
Vs.
The State of West Bengal and others

Mr. Sanatan Ghosh,
Mr. Falguni Bandyopadhyay

... for the petitioner.

Mr. Himadri Sikher Chakraborty,
Ms. Susnita Saha

...for the State.

Mr. Naba Kumar Das,
Mr. Pathik Bandhy Banerjee

...for the Kolkata Improvement Trust.

The grievance of the petitioner is that despite having vacated the previous shop-room, among a cluster of shop-rooms, the petitioner was not given re-allotment in the newly constructed shop-room designated for the petitioner, alongwith others who are similarly placed, having been given such allotment.

Learned counsel for the petitioner places reliance on the annexure to the supplementary affidavit to indicate the information obtained by one of the friends of the petitioner from the

respondent authorities under the Right to Information Act to such effect.

Learned counsel places reliance on Serial No. 22 of the list of allottees of shops at 70/1 Dhakuria Station Road, annexed to the supplementary affidavit, to indicate that the allotment was made in favour of the petitioner as long back as on September 26, 2007.

Learned counsel appearing for the respondents submits that there is nothing on record to indicate that the allottee mentioned in Serial No. 22 of the said list, that is, Sri Bishnu Naskar, is identical with the present petitioner, who is Sri Bishnu Pada Naskar.

In any event, the petitioner is required to produce identification proof for the purpose of getting the allotment in order to preclude any third party from taking advantage of the situation.

However, in view of the materials on record, there is no justified reason for the respondent authorities to refuse allotment to the petitioner, after the petitioner is able to prove his identity with the allottee as mentioned in Serial No. 22 of the list of allottees annexed to the supplementary affidavit.

Hence, WPA No. 6308 of 2010 is disposed of by directing the respondent authorities to allot the particular designated shop-room, allotted in the name of Bishnu Naskar, subject to the petitioner proving his identity by sufficient documents to the satisfaction of the respondents. Such accommodation shall be provided to the petitioner, subject to the petitioner proving his identity as indicated above, within a month from the date of production of such identification documents by the petitioner with the respondents.

Inasmuch as the claim of compensation of the petitioner is concerned, the writ court is not the proper authority for adjudicating the same and it will be open to the petitioner to file a regular suit before the competent civil court claiming such compensation from the respondents.

In view of the long pendency of the writ petition before this Court, one of the prayers in which was for compensation, it is deemed that the petitioner *bona fide* has so long proceeded before a wrong forum within the contemplation of Section 14 of the Limitation Act, for the purpose of calculating limitation of the proposed suit, if filed by the petitioner. The limitation period for such suit shall commence to run from today.

In the event such a suit is filed, the competent court shall decide all issues therein independently on merits in accordance with law upon giving adequate opportunity of hearing to all concerned.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)