

08.02.2023

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Sl. No. 03

Ct. No. 05

WPA 1006 of 2023

Smt. Reba Roy

-Versus-

The State of West Bengal & Ors.

Mr. Aditya Sen

.....for the petitioner

Mr. Nilotpall Chatterjee

Ms. Adreeka Pandey

....for the State

The petitioner has challenged an order passed by the Deputy Controller(R), Refugee Relief and Rehabilitation Office, Kolkata dated 13.12.2022. The impugned order was passed pursuant to a direction by a co-ordinate Bench on 11.10.2022 in WPA 20061 of 2022.

The impugned order refused to give relief to the petitioner on the ground that the petitioner has failed to establish her undisputed claim for additional allotment of flat No. S-3 of Block No. 12 at the Podder Park Tenement Scheme. The concerned authority also refused relief on the ground that flat S-3 has already been surrendered by the petitioner's brother-in-law, Biswajit Gopal Roy(since deceased).

The undisputed facts in the present proceeding are that Biswajit Gopal Roy, the petitioner's brother-in-law, was allotted flats S-3 and S-4 under the particular

Scheme sometime in 1973(the date has not been mentioned in the impugned order). The petitioner's husband was allotted flat S-5.

The dispute revolves around allotment of S-3. A complaint was made by Biswajit Gopal Roy on 21.06.1993 of his flat being illegally occupied by the petitioner and her husband. Biswajit Gopal Roy thereafter surrendered both the flats namely S-3 and S-4 on 26.07.1993. The eviction notice against flat S-3 was thereafter served on the petitioner's husband on 22.09.1993. The impugned order records all the undisputed facts and further the fact of the illegal occupation by the petitioner and her husband of S-3 after the said flat was surrendered by the deceased Biswajit Gopal Roy on 26.7.1993. The petitioner does not have any documents to show that the flat S-3 was ever allotted to the petitioner or her husband after 26.07.1993 when the said flat was surrendered by the petitioner's brother-in-law.

Moreover, the eviction process in relation to flat S-3 was started on 22.09.1993. There is no notice of challenge to such eviction proceeding at least in the material placed before this Court.

Hence, this Court is unable to find any factual or legal infirmity in the impugned order dated 13.12.2022. The document shown on behalf of the petitioner being a list of occupiers at the Podder Park Tenement Scheme

records that the original allottee (Biswajit Gopal Roy) allowed the original allottee of S-5 (presumably the petitioner's husband Bidhan Gopal Roy) to use S-3. This document also mentions that the allotment was sub-judice. The document appears to be a survey undertaken on 10.09.2020 and does not translate to the petitioner's claim on flat S-3.

In any event, the impugned order contains sufficient reasons and cannot be dismissed also on an absence of reasons.

WPA 1006 of 2023 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)