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13.05.2024
Ct. 654
D/L 190
Ab/sn

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

WPA 12681 of 2007

**Laxman Chandra Das Adhikary
-Vs-
State of West Bengal & Ors.**

Mr. Goutam Dinda

... for the petitioner

Mr. Amit Kumar Nag, through virtual mode
Ms. Pritha Bhowmick

... for the respondent nos. 2 & 3-HDA

Mr. S. M. Hassan,
Mr. Diptomoy Talukder,
Mr. Abhiraj Tarafdar

... for the Haldia Municipality

The petitioner by the present writ petition has sought for a direction upon the Chief Executive Officer, Haldia Development Authority being the respondent no. 2 to consider the plot No. H/17A as H/17 on which the construction work of the petitioner is undertaken.

By letter under memo no. 3883 (50)/HDA/VIII-13/1(III) dated 21st January, 2003, the petitioner was allotted plot no. H/17 measuring 0.04 acres of land in Ramnagar Purba Raghunathpur Rehabilitation Colony (Kumarchak Zone) through lottery drawn on 02.01.2003 against acquisition of his homestead land under J.L No. 130, Mouza-Radhamadhabchak under LA Case No. 3/1995-96. The petitioner contends that he undertook

the construction work at his allotted plot no. H/17. However, by letter dated 7th May, 2007, issued by the Chief Executive Officer, Haldia Development Authority, it was informed that the petitioner has undertaken construction over the plot no. H/17A instead of H/17, which is unauthorized. Challenging such action on the part of the Haldia Development Authority, the petitioner has preferred the present writ petition.

By order dated 8th January, 2024, the Haldia Development Authority, being the respondent no.2, was directed to produce authenticated copy of the master plan of the plots in question. Upon perusal of the master plan, it was found that numbering of the plots has not been made numerically and the plot no. H/17A has been marked alpha numerically.

During the course of hearing, Mr. Amit Kumar Nag, learned advocate for the respondents-Haldia Development Authority submits that the Haldia Development Authority is ready and willing to re-number the "H" Block numerically. On 02.05.2024, the Haldia Development Authority submitted a report wherefrom it reveals that plot no. H/17A is vacant. Upon relaying the master plan and applying the plot numbers numerically, the plot no. H/17A would be plot no. H/17. It is informed that the plot no. H/17A as it exists in the master plan measures 0.05 acres of land. As per letter dated 21st January, 2003, the petitioner is allotted 0.04 acres of land.

Mr. Nag, learned advocate for respondents-Haldia Development Authority submits that in that event 0.01 acres of land would be deducted from the southern side of plot no. H/17A as it exists and 0.04 acres would be handed over to the petitioner in the said plot upon renumbering.

Mr. Goutam Dinda, learned advocate concedes to such proposal.

In the aforesaid backdrop, the present writ petition is disposed of directing the Chief Executive Officer, Haldia Development Authority, being respondent no.2 to make necessary changes in the numbering of plots by providing plot numbers numerically in H-block and also deduct 0.01 acres of land from the southern side of plot no. H/17A, as it exists. The plot no. H/17A should be deleted and renumbered as plot no. H/17 with measurement of 0.04 acres of land, by Haldia Development Authority, which shall be communicated to the petitioner in writing. Such exercise shall be undertaken by Haldia Development Authority within a period of four weeks from the date of communication of this order.

The learned advocate-on-record for the petitioner is directed to communicate this order to the Chief Executive Officer, Haldia Development Authority, respondent no.2.

With the aforesaid observations, the writ petition being WPA 12681 of 2007 stands disposed of.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)