

Srl. No.30
29.01.2024
SB-III
SH

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2850 of 2023

**Paritosh Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Prosenjit Mukherjee
Md. Ahiya
Mr. Rajan Raj
... for the petitioner.**

**Mr. Pretom Das
Mr. Sourav Sarkar
... for the State.**

The land of the petitioner was acquired by the State for construction of new township. The petitioner received compensation on account of the acquisition.

The petitioner submits that he is entitled to a flat at reduced price in terms of the conditions laid down in the Rehabilitation Scheme.

The acquisition in question took place in the year 2003-2004. The petitioner received the compensation in the year 2008. The petitioner never applied before the authority for the flat in question at the reduced price.

The petitioner contends that it was mandatory for the Siliguri-Jalpaiguri Development Authority to provide a flat in terms of the Scheme.

Siliguri-Jalpaiguri Development Authority issued a notice on September 29, 2023 inviting applications from the Economically Weaker Section of the society for allotment of dwelling units within the Utsodhara Teesta Township. Each dwelling unit is measuring about 400 sq. ft. built up area.

The petitioner contends that without handing over of constructed flat to the petitioner in terms of the Rehabilitation Scheme, the Development Authority could not have invited applications from the Economically Weaker Section of the public in general.

From the documents annexed to the writ petition and the averments made therein it appears that the petitioner never applied before the respondent authority for obtaining the flat which the petitioner claims to have been allotted to him under the scheme. The petitioner accepted the compensation in the year 2008 and remained silent with regard to the flat. Only after application was invited from a particular section of the public in September 2023, the petitioner filed the instant writ petition. The petitioner never raised any formal objection before the Development Authority.

Last date for submission of the application in terms of the notice was November 8, 2023. The petitioner filed the instant writ petition on December 6, 2023, that is, long after the time period for applying in terms of the notice expired. Prior to filing the writ petition, the petitioner ought to have ventilated his grievances before the respondent authority. Without doing so the petitioner has approached the Court directly.

The affidavit of service is also not on record. There is no proof of service upon the Development Authority.

In view of the above, no relief can be granted to the petitioner in the instant writ petition. However, it will be open for the petitioner to raise appropriate grievance before the competent authority for redressal.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)