

27.02.2025
Item No.16
gd/ssd

WPA(P)/39/2025

ATINDRANATH CHATTERJEE
VS
STATE OF WEST BENGAL AND ORS.

Mr. Atindranath Chatterjee
..Petitioner (In Person).

Ms. Sumita Shaw,
Mr. Soumen Chatterjee
..for the State.

1. We have heard the petitioner appearing in person and Ms. Sumita Shaw, learned Government counsel for the respondents.

2. The petitioner seeks for issuance of a direction upon respondent no.3 namely, the Estate Manager, Estate Directorate and Ex-Officio Deputy Secretary, Housing Department to immediately send legacy data (hard copies) to the respondent nos. 4 to 13, who are the Sub-divisional Officers, for preparation of housing estate-wise computerised seniority waiting list of the applicants with full details, also renewal application number with date and present and permanent address of the applicants in compliance with the order dated 15.04.2024 passed by the second respondent namely, the Special Commissioner and first

appellate authority under the Right to Information Act, 2005.

3. After elaborately hearing the petitioner appearing in person and perusing the voluminous documents which were placed on record, we need to mention that on account of the sustained efforts taken by the petitioner some rare transparency had happened in the matter of maintenance of waiting list for allotment of the flats in the Housing Estates in the State of West Bengal, 40 of which are stated to be within the jurisdiction of Kolkata and the remaining 49 in various districts.

4. The petitioner had pursued the matter by resorting to filing applications under Right to Information Act and ultimately had to file an appeal before the second respondent who passed an order on 23.11.2023. The operative portion of which reads as follows:

“It is ordered that the Estate Manager, Estate Directorate will arrange to computerise all the related documents even by using outsourcing/agent in respect of 38 Housing Estate under his control within a month and float the database in Official Website and inform all the S.D.O.s related to 51 Housing Estates of Districts in West Bengal to collect the legacies (Hard Copies) from the Office of the Estate Manager and prepare a Computerised waiting list of the applicant concerned as early as possible, Shri Chatterjee is requested to wait a few days for his turn to get the information as sought for.”

5. The petitioner would state that despite such positive direction the authorities did not comply with the same which necessitated the petitioner to once again approach the second respondent by way of an application dated 19.02.2024.

6. Pursuant to which the second respondent passed a detailed order dated 15.04.2024 with the following direction:

“And the Estate Manager, Estate Directorate is also asked to send the concerned legacy data of the rest 51 Housing Estate to the respective S.D.O.s of concerned Districts of West Bengal within 7 days with the direction to maintain the computerized seniority/ waiting list of the applicants duly verified and authenticated by the respective Competent Authority for further necessary action. And the concerned Competent Authority will upload the data in the website for wide and transparent public information.”

7. It is admitted by the petitioner that pursuant to such direction a list has been published in respect of the Housing Estates in Kolkata and they have been uploaded in the website.

8. The petitioner would further state that after the writ petition was filed on 30th January, 2025, the other respondents, namely, respondent nos.3 to 14 have uploaded the names and certain details which has said to be the seniority-wise waiting list of the applicants with regard to PRHEs located within the local limits of respondent nos. 4 to 13 which is stated to have been uploaded in the website of the respondent

no.1 between the period on and from 14.02.2025 and 25.02.2025. The petitioner would contend that the list which has been uploaded between 14.02.2025 and 25.02.2025 does not give the full details and there are several lacunae and irregularities. One of such irregularities pointed out is that the full address of the applicant has not been mentioned in such other matters.

9. The petitioner commenced his journey by filing application under RTI Act with a view to ensure transparency in the matter of publishing the seniority-wise waiting list of the applicants for the Public Rental Housing Estates located in the State of West Bengal.

10. The efforts taken by the petitioner has yielded results and the list has been published. In fact, the first respondent ought not to have waited for the petitioner to be a catalyst for doing since the first respondent being an Officer of a welfare State is bound to act in a fair and transparent manner especially in the matter concerning allotment of public property to the citizens of the State of West Bengal.

11. We are also informed that the flats which forming part of the housing estates are allotted with a very meagre rent as low as Rs.60/- per month and the petitioner would also state that even after the demise of the original allottee, the family continues to reside and no action has been taken to cancel such

allotment and put the concerned flat in the common pool for allotment to the applicants who are in the waiting list.

12. That apart, there is the allegation that the flats are not maintained and there are no regular checks or declaration obtained from the allottees as regards whether they have acquired any immovable property within the stated distance either in their name or in the name of any of their family members. All these issues have to be agitated by the petitioner before the appropriate forum after impleading the concerned persons against whom allegations are made in this writ petition. We cannot make such a robbing exercise, more particularly when the persons against whom the allegations are made are not made respondents in the writ petition.

13. However, we need to mention that when the first respondent published the list, the list can be made in such a fashion that a hyper link can be given in the list so that if a person who wants to access the information in the list clicks on the hyper link, the full information regarding the applicant will be revealed. In the present day context and with the developed technology this is very easy task to be complied with.

14. The first respondent shall take all effective steps to ensure transparency without waiting for a catalyst to compel him to do so.

15. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)