

26.02.2025
Item No.27
Ct. No. 30
Aloke

WPA 3792 of 2011

**M/s. Saboma Cooperative Housing Society
Vs
The State of West Bengal & Ors.**

Mr. Partha Bose
Mr. Arun Kr. Bhagat
Mr. Arun Goswami
... for the petitioner

Mr. Tapan C. Dey
Ms. Shreya Chatterjee
... for the West Bengal Housing
Board
Ms. Sabnam De Bardhan
Ms. Mohuya Dutta Biswas
... for the State

The present writ application has been preferred praying against memo letter no. 5097 dated 06.01.2005 issued by respondent no. 5. It has further been prayed that the respondent be directed to give delivery of possession and registration in respect of allotment being allotment No. 5097/E.G./Plot/HB dated 06.10.2005 plot No. CE/1/C/207 at Eastern Green Project, New Town Rajarahat, Kolkata to the petitioner.

During course of hearing the State has placed a status report on behalf of the West Bengal Housing Board wherein it has been stated as follows :

“For Eastern Green Housing Project, the lottery was held on 19/07/2001, after maintaining all protocols. Thereafter no further advertisement was published for the project by the Board. The petitioner had submitted the application on 04/10/2005, suo-motu i.e. without any advertisement. Neither, the petitioner had participated in any lottery

conducted by the Board nor he was successful therein. The allotment letter was issued on 06/10/2005, i.e. within 48 hours of the application. This is not possible in case of regular allotments, where the process of lottery and others formalities are to be maintained in the period between the dates of these two documents.

No officer of the Board, be of any position, acting in his individual capacity, has the power to allot any dwelling unit/plot to any person whatsoever apart from the procedure followed by the Board for the purpose of allotment of dwelling unit/plot. One Balaram Das, the then Assistant Housing Commissioner in the Board had managed to issue of this fake allotment letter in favour of petitioner without following any of the above settled procedure.

Subsequently, when it turned out that the said Balaram Das, in connivance with some persons, had made some fake allotments in the Eastern Green project, New Town, Kolkata the Board immediately made a public notification in Ananda Bazar Patrika and in Times of India both dated 03/05/2009, and requested all the persons who got the allotment in the Eastern Green Project during 10/07/2002 to 26/12/2005 from Balaram Das to contact the Board and deposit all papers in respect of the allotment, where upon the sum received would be returned. Notification published in Anand Bazar Patrika and in Times of India is annexed here with and collectively marked as 'B'.

Recently, in compliance of order dt. 9th July, 2024 passed by the Division Bench of Hon'ble High Court, Calcutta in MAT No. 1116 of 2024 (The West Bengal Housing Board VS Satish Kumar Goyal & Ors), Hon'ble Chairman, West Bengal Housing Board has passed a reasoned order on 12th December, 2024 and thereby rejected the prayer of petitioner for execution of registered sale deed and delivery of physical position of a plot of land in Eastern Green Project New town, Kolkata on the basis of fake allotment letter issued by the then Assistant Housing Commissioner and further directed the board to hand over the entire matter of fake allotments in Eastern Green project to any state investigation agency as fact finding authority to enquire about the nitty-gritties pertaining to the aforesaid fake allotments. As per the direction of Hon'ble Chairman, the Board has referred the entire matter to the Criminal Investigation Department, Govt. of West Bengal vide memo bearing no. 5686/HC/20/HC/HB/2024 (Part I) dt. 06/02/2024. A copy of aforesaid memo is enclosed herewith and marked as annexure 'C'.

Provisional Allotment letter dt. 06/10/2005, Annexure P/2 of the writ petition is a fake allotment letter issued by the then Assistant Housing Commissioner, without following the due process of law. Moreover, Plot bearing No. CE/1/C/207 which is mentioned in the aforesaid provisional allotment letter is a non-Existing plot of land. As such West Bengal Housing Board is not in a position to take any further steps towards registration and delivery of possessing of plot no. CE/1/C/207 of Eastern

*Green Project, New Town, Kolkata in favour of
Writ petitioner.*

Learned counsel for the petitioner has now limited his prayer only to the extent as per the notification of the West Bengal Housing Board.

Accordingly, the writ application is disposed of with the direction that the petitioner shall file a complaint before the appropriate authority who shall then consider the same on hearing the parties and dispose of the same within a period of 60 days from the date of communication of this order.

WPA 3792 of 2011 is accordingly disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

(Shampa Dutt (Paul), J.)