

S/L 6
10.04.2025
Court. No. 19
Sourav

WPA 6496 of 2025

Sandhya Das
Vs.
State of West Bengal & Ors.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar

...for the petitioner.

Mr. Chandi Charan De, Ld. AGP
Mrs. Reshma Chatterjee

...for the State.

1. The affidavit-of-service as filed in Court today is taken on record.
2. In the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically, against the respondent no. 3 commanding him to take appropriate steps for allotment of a fresh habitable flat either in the ground floor or in the first floor of Belgachia Villa Housing Estate in Middle Income Group (MIG) instead of her allotted Flat No. 8 in Block – H in Belgachia Villa Housing Estate.
3. In course of hearing, Mr. Das, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to Page No. 30 of the instant writ petition being a copy of the letter of allotment dated 07.01.2021 as issued by the respondent no. 2/authority in favour of the writ petitioner allotting Flat No. 8 in Block – H in MIG category in Belgachia Villa Housing Estate. Drawing attention to Page No. 32

of the instant writ petition being a copy of the letter dated 29.01.2021, it is submitted that soon thereafter the writ petitioner under cover of her letter dated 29.01.2021 informed the respondent no. 2/authority indicating her predicament to take possession of Flat No. 8 on account of her physical disability.

4. It is submitted that initially the respondents/authorities were reluctant to take any steps in terms of the request dated 29.01.2021 on the ground that in the said rental housing estate no flats either in the ground floor or in the first floor are available but after obtaining information from the concerned SPIO, the writ petitioner came to learn that several flats are available at the said housing estate either in the ground floor or in the first floor particulars of which have been mentioned at Page No. 38 of the instant writ petition.
5. It is submitted by Mr. Das that thereafter the respondent no. 3/authority under cover of its memo dated 20.12.2022 allotted a flat bearing no. 1 in Block – D-1 at Belgachia Villa Housing Estate. At this juncture, Mr. Das took me to Page Nos. 55 to 65 of the instant writ petition being photographs of various portions (internal) of the said Flat No. 1 in Block – D-1 of the said rental housing estate. It appears to this Court from the said photographs that the condition of the said Flat No. 1, Block – D-1 at Belgachia Villa Housing Estate is really pathetic and not at all in habitable condition.

6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds sufficient merit in the submission of Mr. Das, learned advocate appearing on behalf of the writ petitioner.
7. This Court thus while disposing the instant writ petition directs both the respondent no. 3 as well as the respondent no. 2 either to take effective steps for complete renovation of Flat No. 1 in Block – D-1 in Belgachia Villa Housing Estate to make the said flat habitable positively within a month from the date of communication of this order or in the alternative, the respondent no. 3 and/or the respondent no. 2 shall allot any other habitable flat in the self-same housing estate in MIG category either in the ground floor or in the first floor also within a period of one month from the date of communication of the server copy of this order.
8. It is made clear that the time limit as fixed by this Court is mandatory and preemptory.
9. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent nos. 2 and 3 for their immediate compliance.
10. The respondent nos. 2 and 3 are hereby directed to act on the server copy of this order.
11. With the aforementioned observations, the instant writ petition being **WPA 6496 of 2025** is disposed of.

12. Before parting with, it is further ordered that the memo dated 26.12.2023 as issued by the respondent no. 3 shall remain stayed till the aforementioned direction of the Court is complied with by the respondent nos. 2 and 3. It is, however, made clear that in the event, after allotment of a habitable flat under MIG category in the Belgachia Villa Housing Estate, the writ petitioner does not vacate Flat No. D/1 (C type) at 64/99 Belgachia Road, Government RHE the respondent no. 3 is at liberty to take appropriate action against the writ petitioner in accordance with law.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)