

May 21, 2025
Sl. No.16
Court No.19
s.biswas

WPA 25465 of 2024

Dipali Seal and others
vs.

The State of West Bengal and another

Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu
Ms. Suman Biswas

... for the petitioners

Mr. Soumitra Bandhapadhyay
Ms. Suchana Banerjee

... for the State

1. The affidavit of service as filed today is taken on record.
2. The subject matter of challenge in the instant writ petition is the order dated 01.08.2024 as passed by the respondent no.1 authority whereby and whereunder the said authority refused to give the benefit of notification dated 07.03.2024 to the writ petitioners.
3. On careful consideration of the entire materials as placed before this court, it reveals as under:
 - (i) On 03.04.1969, plot no.B-6/243 at Kalyani Township was allotted to one Swapan Kumar Seal since deceased being the predecessor in interest of the present writ petitioners.
 - (ii) The then allottee at the time of allotment was required to pay 1/3rd salami amount within 02.06.1969 and the remaining 2/3rd salami in six equal yearly instalments with usual interest.

- (iii) The original allottee deposited Rs.1540/- on 17.06.1969 towards 1/3rd salami.
 - (iv) Thereafter the original allottee failed and neglected to pay balance 2/3rd salami as stipulated.
4. In course of hearing, learned advocate for the writ petitioners draws attention of this court to page nos.111 to 113 of the instant writ petition being a copy of the notification dated 07.03.2024.
5. It is submitted that while passing the order under challenge, the respondent no.1 authority has failed to consider the true spirit of the said notification dated 07.03.2024 and most arbitrarily passed the order thereby declining allotment of the aforementioned land in favour of the writ petitioners though the writ petitioners are agreeable to pay the remaining salami amount even the amount as would be fixed by the said notification dated 07.03.2024.
6. Mr. Bandyopadhyay, learned senior government advocate appearing for the State and its functionaries opposed such contention. It is argued that in the absence of any perversity, there cannot be any justification to interfere with the order dated 01.08.2024 as passed by the respondent no.1 authority.

7. This court has meticulously gone through the entire materials as placed before this court including the notification dated 07.03.2024.
8. It appears to this court that the respondent no.1 authority while passing the order impugned, has rightly applied the guiding principles of the said notification inasmuch as the respondent no.1 authority has noticed that the benefit of such notification cannot be extended in favour of the writ petitioners being the legal heirs of the original allottee, since at no point of time possession of the aforementioned plot of land has been handed over to the original allottee and/or the full payment was never made by the original allottee or by his successors-in-interest.
9. In view of the discussion made hereinabove, this court thus finds no scope to interfere with the order of the respondent no.1 inasmuch as the order of the respondent no.1 is absolutely justified and based on sufficient reasoning and consideration of the relevant materials as placed before it.
10. In view of such, WPA 25465 of 2024 is thus dismissed. There shall be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

