

17.03.2025  
Court No.13  
Item No. 56

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**MAT 1705 of 2015**

Partha Acharyya

Vs.

West Bengal Housing Infrastructure Development  
Corporation Limited

Mr. Rajdeep Bhattacharya

..for the appellant

1. The subject matter of appeal is the judgment and order dated 13<sup>th</sup> May, 2015 passed by a Single Bench of this Court by reason thereof the writ petition was dismissed.

2. The brief facts relevant to the case are that the writ petitioner/appellant along with several other persons allotted plots of land in New Town, Rajarhat by the West Bengal Housing Infrastructure Development Limited (HIDCO) sometime in August, 2011. The allotments were made under a discretionary quota by the Chairman of HIDCO.

3. The writ petitioner/appellant is a government servant and is still serving. Towards such allotments of land, the petitioner/appellant paid a sum of Rs. 8,80,880/-.

4. Sensing that the allotments were made illegally and contrary to law, the respondents/HIDCO, inter alia, cancelled the appellant's allotment and returned back the aforesaid sum of Rs. 8,80,880/-.

The appellant in turn returned the said cheque in anticipation of success of the writ petition. The money, therefore, continued to remain with the HIDCO.

5. This Court finds that the cancellation of all the allotments including that of the writ petitioner/appellant has been upheld by the Single Bench in a very detailed and reasoned order comprising in about 256 paragraphs. Several other appeals against the said judgment have failed. The matter was carried to the Hon'ble Supreme Court which has affirmed the views of the Single Bench.

6. This Court finds no reason to interfere with the impugned judgment.

7. Hence, MAT 1705 of 2015 fails and is hereby dismissed.

8. The writ petitioner may, however, apply for refund and/or revalidation of the cheques and/or pay orders refunding the sum of Rs. 8,80,880/- to him by the HIDCO. Upon such application, the respondent/HIDCO shall return the said sum of money to the writ petitioner/appellant. This Court is not inclined to grant any interest to the appellant since pursuant to cancellation of the allotments, HIDCO had returned the aforesaid amounts

deposited by the petitioner/appellant, which was in turn refused by the appellant.

9. Interim orders, if any, shall stand vacated.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**