

28-02-2025
Item No.1
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.28951 of 2024

Rita Pathak

-vs-

The State of West Bengal & Ors.

Mr. Soumik Ganguly
Ms. Chandana Chakraborty ...for the petitioner

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee ...for the State

Mr. Dhilon Sengupta
Mr. Ayan Chakraborty
Ms. Sohini Mukherjee ...for WB Housing Board

1. The matter has appeared in the list at the instance of learned counsel representing the West Bengal Housing Board for correction of the last order dated February 7, 2025.
2. After thorough hearing the respective parties, it appears that certain incorrect submissions were made by the learned counsels representing the respective parties with regard to the facts of the case. The very basis on which the order was passed on February 7, 2025 disposing the writ petition appears to be incorrect.
3. Under such circumstances, the order dated February 7, 2025 is required to be recalled and is hereby recalled by passing the following order.
4. The petitioner is now in occupation of a flat on the second floor of Shilpakanan Housing Project being Flat No.B/22/5, on rent. She intends to purchase the vacant flat being No.B/22/6 which

is opposite to the flat where she is presently residing. She submitted an application for allotment of the said flat in her favour, but she was advised to participate in the lottery to be conducted.

5. She participated in the lottery conducted by the West Bengal Housing Board, but the flat which she intends to purchase was not allotted in her favour. She prays for regularization of Flat No.B/22/6 in her name.
6. Learned counsel representing the Housing Board submits, upon instructions, that Flat No.B/22/6 has been put up in the advertisement for the subsequent sale to be conducted; and that there is no scope for change of the allotted unit, once the same has been allotted in favour of the applicant after the lottery is over.
7. In the instant case, it appears that the petitioner's prayer for regularization was on record prior to conducting the lottery. In the earlier lottery, Flat No.B/22/6 was not allotted in favour of any of the applicants. The said flat is still vacant and as such it has been put up for sale in the subsequent advertisement published by the Board.
8. As repeated sale notices in respect of Flat No.B/22/6 did not attract any buyer, I am of the view, that there should not be any impediment on the part of the Board to allot the said flat in favour of the petitioner.
9. In view of the above, the Housing Board is directed to allot Flat No.B/22/6 in favour of the petitioner, subject to payment of its sale price and other necessary charges, if any.
10. Steps shall be taken in the matter at the earliest

but positively within four weeks from the date of communication of this order.

11. The writ stands disposed of.
12. In the earlier order dated February 7, 2025, the appearance of all the learned counsels for the State was inadvertently not recorded. Be it recorded that Mr. Debjit Mukherjee, learned advocate appeared for the State on February 7, 2025.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]