

11  
27.02.2026  
Court. No. 25  
D.Hira

**WPA 2045 of 2026**

Aniruddha Bose

Vs.

Kolkata Metropolitan Development Authority & Ors.

Mr. Nirmalya Dasgupta,  
Mr. R.L. Mitra.

... for the petitioner

Mr. Satyajit Talukdar,  
Mr. Arindam Chatterjee.

... for the KMDA

1. The petitioner has filed the present writ application praying for a direction upon the Kolkata Metropolitan Development Authority, to execute the sale deed in favour of the petitioner with respect of the Flat No. A-4/1, Purba GD Block, 4<sup>th</sup> Floor, Building No. 1, Type-1 at Purba Abasan Housing Complex at East Kolkata Township.
2. Learned counsel for the petitioner submits that the Kolkata Metropolitan Development Authority have provisionally allotted the aforesaid flat to the petitioner by a letter dated 1<sup>st</sup> December, 2005.
3. Subsequently, the petitioner has paid total sale consideration amount of Rs.21,85,288/- to the Kolkata Metropolitan Development Authority.
4. The respondent no. 1 had issued the possession advice on 5<sup>th</sup> November, 2008 wherein it was directed that the petitioner is not eligible to transfer the apartment allotted to the petitioner within five years from the date of execution of Deed

of Conveyance without prior permission of KMDA. However, under exceptional circumstances KMDA may consider such prayer, without precedent and at its discretion. In such cases the decision of KMDA will be final and binding. The apartment will be transferred by KMDA on free hold basis/or lease hold basis. However, sale deed/lease deed (as per KMDA's format) will be executed with the allottee after the allottee gets membership of the Co-operative Housing Society/or Apartment owner's Association duly approved by the Competent Authority.

5. He further submits that in terms of the Possession Advice Clause 5, the petitioner has become a member of Flat No. A-4/1, Purba GD Block, 4<sup>th</sup> Floor, Building No. 1, Type-1 at Purba Abasan Housing Complex at East Kolkata Township. After becomes a member of the said society, the KMDA has issued the Possession Certificate to the petitioner on 26<sup>th</sup> December, 2008.
6. In the Possession Certificate also it is mentioned that the apartment will be transferred by the KMDA on free hold basis. However, the sale deed will be executed with the allottee after the allottee gets membership of the Co-operative Housing Society.

7. It is further mentioned that the deed of transfer shall be executed and registered in the format prescribed by the KMDA.
8. Learned counsel for the petitioner submits that the petitioner has become the member of the society and is continuously paying the membership and other contribution to the society.
9. Subsequently, the petitioner has made several requests to the KMDA but in spite of the request made by the petitioner, the KMDA has not come forward for execution of the sale deed in favour of the petitioner with respect of the premises in question.
10. The petitioner has relied upon the other deeds and submits that similar circumstances, persons who have purchased flats under the said scheme, the KMDA has registered the sale deed in favour of the purchaser with respect to their respective flat but the KMDA has not executed sale deed in favour of the petitioner.
11. The petitioner has relied upon an unreported judgment in the case of ***Smt. Mahashwera Halder vs. State of West Bengal & Ors.*** in ***WPA No. 19212 of 2021 dated January 14, 2026***, wherein the similar circumstances purchaser of the flat has filed a writ application and this Court has directed the KMDA to execute the necessary deed of transfer of the flat/apartment in favour of the

petitioner within a period of twelve weeks from the date of receipt of a copy of this order. Learned counsel for the petitioner has also prayed for similar order in the present writ application with a direction upon the KMDA for registration of the sale deed in favour of the petitioner with respect of the flat purchased by the petitioner.

12. Per contra, learned counsel appearing for the KMDA submits that there is no dispute that several litigations have been filed before this Court with regard to registration of the flats of the purchasers and Coordinate Bench of this Court time and again, several orders have been passed, which is also reflected in paragraph 25 of the order passed in the case of **Smt. Mahashwera Halder (supra)**.

13. He has raised two objections in the present case. Firstly though the possession has been given to the petitioner in 2008 but the petitioner has made a representation to the KMDA in the month of 22<sup>nd</sup> July, 2025, 9<sup>th</sup> September, 2025 and 25<sup>th</sup> November, 2025 for registration of sale deed. In between the petitioner hands not come forward for registration of the sale deed.

14. He further submits that the format in which the petitioner has submitted sale deed is not the format provided by the KMDA.

15. He further submits that as per the possession notice and the possession advice, it is categorically

mentioned that the sale deed will be executed as per the KMDA format but the deed which the petitioner has submitted the KMDA format.

16. Mr. Talukdar relied upon the Scheme dated 26<sup>th</sup> December, 2016 issued by the Government of West Bengal, Land and Land Reforms Department, Land Policy Branch and submits that the authority is not in a position to execute any sale deed for conveying the right of outright sale as authority itself is lacking right over the land in question. In support of his submissions he has relied upon the judgment in the case of ***Usha Biswas & Anr. vs. State of West Bengal & Ors.*** passed in ***WP 21905 (W) of 2017.***
17. Heard the learned counsel for the respective parties and perused the materials on record.
18. This Court finds that there is no dispute that the petitioner is the purchaser of Flat No. A-4/1, Purba GD Block, 4<sup>th</sup> Floor, Building No. 1, Type-1 at Purba Abasan Housing Complex. The petitioner has paid the total sale consideration amount of Rs.21,85,288/- and also became the member of the Purba Abasan Housing Complex, GD block Allottee Society.
19. The flat in question was handed over to the petitioner by the KMDA and the petitioner is in occupation of the premises in question.

20. As regard the Scheme of 26<sup>th</sup> December, 2012 is concern, this Court in the case of **Smt. Mahashwera Halder (supra)** held that the same is not applicable as the KMDA has not come up with any document to disclose that the KMDA has no right, title and interest in respect of the land in question rather from the deed it appears that KMDA has the right to sell subject to previous sanction of the Urban Development Department.
21. The judgment relied by the respondent in the case of **Usha Biswas & Anr. (supra)** is not applicable in the present case as in the said case the writ petitioners have themselves agreed to the terms of KMDA for executing the lease deed.
22. As regards the objection raised by the respondent that the petitioner has not submitted the format sale deed in terms of the format of the KMDA, this Court is of the view if the KMDA has received the copy of the sale deed, the KMDA ought to have been returned the sale deed to the petitioner with the direction to submit sale deed in terms of the format, but the KMDA has not done so.
23. Accordingly, this Court finds that no purpose would be served by keeping this writ petition pending.
24. Accordingly, the writ petition is disposed of by directing the KMDA to provide the format of the sale deed to the petitioner within two weeks from

the date of receipt of this order and on receipt of the format of the sale deed the petitioner shall complete all the formalities and to submit the same to the KMDA within three weeks thereafter. Once the KMDA received the sale deed in format along with all the documents which is necessary for the registration of the sale deed, the KMDA shall register the deed in favour of the petitioner with respect of the flat in question within ten weeks thereafter.

25. All the expenditure including the stamp duty shall be paid by the petitioner for registration of sale deed.

26. As this Court disposed of the writ petition at the motion stage, no affidavit has been called for, the allegations made therein, is deemed to have been denied.

27. WPA No. 2045 of 2026 is disposed of.

28. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Krishna Rao, J.)**