

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

BEFORE:

The Hon'ble Justice Hiranmay Bhattacharyya

**WPA 4116 of 2026**

**Sudip Chakraborty  
Versus  
The State of West Bengal & Ors.**

Appearance:  
Mr. Bikash Shaw  
Sk. Saad Islam  
... for the petitioner

Mr. Chandi Charan De, Ld. AGP  
Mr. Airban Sarkar  
... for the State

Mr. Chayan Gupta  
Mr. Saaqib Siddiqui  
Mr. Ritoban Sarkar  
Mr. Uday Sharma  
...for the WBHIDCO

**Heard on: 20.02.2026**

**Judgement on: 20<sup>th</sup> February, 2026.**

**The Court:-**

1. The supplementary affidavit filed in Court is taken on record.
2. The petitioner has prayed for quashing of E-auction notice dated 13<sup>th</sup> January, 2026 and the subsequent notice dated 3<sup>rd</sup> February, 2026 issued by the 4<sup>th</sup> respondent in this writ petition.

3. The petitioner claims to have purchased a plot of land, being RS Dag No. 1173 from one Haripada Biswas by virtue of registered deed of sale dated July 16, 1997, being Deed No. 774 of 1997. The petitioner claims that he is in possession of the said property. The petitioner recorded his name in the LR record of rights in respect of plot no. 1173.
4. The petitioner alleges that, all on a sudden, the authorities of the West Bengal Housing Infrastructure Development Corporation Ltd. (WBHIDCO), through its men and agents, have put up a signboard on the property of the petitioner without any prior notice to the petitioner. The petitioner states that after making enquiries from the office of the WBHIDCO, the petitioner was shocked when he was informed by the officials of WBHIDCO that by a notice published by WBHIDCO on 13<sup>th</sup> January, 2026, an E-auction notice for allotment of 0.30 acres of land in plot no. CC-1 in Action Area I of New Town, Kolkata on freehold basis for commercial purpose was going to be held on 12<sup>th</sup> February, 2026. The petitioner states that for some reason, the E-auction, which was scheduled to be held on 12<sup>th</sup> February, 2026 was thereafter re-scheduled to be held on 19<sup>th</sup> February, 2025. The petitioner states that immediately after coming to know of such fact, the petitioner has approached this Court.
5. The learned Advocate appearing for the petitioner submits that the petitioner is a lawful owner of a portion of plot no. 1173 and is in possession of the same. He further submits that the name of the

petitioner has been duly recorded in the record of rights. He further submits that the authorities of the WBHIDCO do not have any authority to auction the property belonging to the petitioner. He submits that the petitioner requested the Special Land Acquisition Officer, North 24 Parganas at Barasat to demarcate the property of the petitioner which was not acquired pursuant to any acquisition proceeding.

6. Mr. Chayan Gupta, learned Advocate, appearing for the WBHIDCO, submits that the writ petition is liable to be dismissed on the ground of suppression of material facts. He submits that the petitioner, by a letter dated 2<sup>nd</sup> June, 2025, requested the Vice-Chairman of WBHIDCO to detect and demarcate the property of the petitioner and also to give possession in respect of his retained land. He submits that the letter dated 2<sup>nd</sup> June, 2025 issued by the petitioner was duly replied to by the General Manager (Administration), WBHIDCO by a letter dated 14<sup>th</sup> October, 2025. Mr. Gupta submits that the said letter was duly received by the petitioner and in spite of receipt of the same, the petitioner has not disclosed the said letter in the writ petition. He further submits that, it has been specifically stated in the said letter that the vendor of the petitioner herein, namely, Haripada Biswas, transferred 16.5 decimals each to one Sujata Paul and Jagabandhu Paul by virtue of two deeds of sale, both dated 4<sup>th</sup> May, 1987. He submits that after such transfer, only a fraction of the said property measuring less than 1 decimal was left with Haripada

Biswas. He submits that a portion of plot no. 1173 was also acquired vide LA case No. 4/22 of 1989-99 and the award has also been published. He further submits that the vendor of the petitioner, namely, Haripada Biswas, was also an awardee under the said award and compensation amount was also determined in the name of Haripada Biswas. He further submits that the portion of land purchased by Sujata Paul and Jagabandhu Paul was also acquired by the same proceeding and the award was also declared in their names. He further submits that the balance portion of the said plot was directly purchased by the Housing Board and thereafter by virtue of another departmental transfer, the said plots were transferred in favour of WBHIDCO. Mr. Gupta further submits that mutation in the revenue records neither creates any title nor does it extinguish the same.

7. Heard the learned Advocates appearing for the respective parties and perused the materials placed.
8. The petitioner, by a letter dated 2<sup>nd</sup> June, 2025, requested the Vice-Chairman of WBHIDCO to detect and demarcate the plot of land purchased by the petitioner and to give possession in respect of his retained land. The said letter was duly replied to by the General Manager (Administration), WBHIDCO Ltd. by a letter dated 14<sup>th</sup> October, 2025.
9. On a query of this Court as to whether the letter dated 14<sup>th</sup> October, 2025 was served upon the petitioner, Mr. Gupta, learned Counsel

appearing for the WBHIDCO, produces photocopies of the dispatch register of the WBHIDCO and the track report and he submits that the letter dated 14<sup>th</sup> October, 2025 was delivered to the addressee on 17<sup>th</sup> October, 2025.

10. Photocopies of the dispatch register and the track report produced by Mr. Gupta, in course of hearing of this writ petition are taken on record and copies of such documents have also been supplied to the learned Advocate for the petitioner.
11. Photocopies of the letter dated 2<sup>nd</sup> June, 2025 and 14<sup>th</sup> October, 2025, which have been produced by Mr. Gupta learned Advocate in course of hearing, are also taken on record and copies of such documents have also been supplied to the learned Advocate for the petitioner.
12. Copy of the award passed in LA-4/22 of 1998-99 has been annexed to this writ petition. It appears therefrom that an award was declared in the name of Sujata Paul in respect of plot no. 1173 and Jagabandhu Paul under award serial Nos. 41/1 and 41/2 respectively. It appears from the said award that the name of Haripada Biswas in respect of 0.0098470 acres was also declared in his favour under award serial no. 41. Thus, it is evident that the petitioner was aware that Sujata Paul, Jagabandhu Paul and Haripada Biswas are awardees in respect of plot no. 1173. Though the authorities of WBHIDCO indicated the fact of acquisition of a portion of the plot in question and the transfer of the property

measuring about 33 decimals in favour of Sujata Paul and Jagabandhu Paul, the petitioner for reasons best known to him, has not disclosed the letter dated 2<sup>nd</sup> June, 2025 addressed to the Vice-Chairman of WBHIDCO as well as the reply dated 14<sup>th</sup> October, 2025 issued by the General Manager (Administration), WBHIDCO.

13. It further appears from the documents disclosed in the writ petition that the Special Land Acquisition Officer, North 24 Parganas at Barasat by a letter dated 6<sup>th</sup> February, 2025 informed the petitioner that RS plot no. 1173 was acquired partly vide LA No. 4/22 of 1998-99 measuring 2.29 acres out of 7 acres in Southern Portion and balance portion i.e. about 4.71 acres of the said plot was directly purchased by the West Bengal Housing Board. The names of the vendors from whom the Housing Board has purchased the balance portion of the said plot has also been disclosed in the said letter which is annexed at page 56 of the writ petition.
14. After going through the materials placed at the time of hearing of this writ petition it is evident that a portion of RS plot No 1173 was acquired and an award has been declared and the balance portion has been purchased directly from the owners.
15. It is evident from the records that the total area of RS plot no. 1173 is 7 acres. Out of 7 acres, 4.71 acres of land in RS plot No. 1173 has been directly purchased by West Bengal Housing Board and the balance 2.29 acres has been acquired by L.A. Case No. 4/22 of 98-

99. It further appears from the materials on record that the direct purchase was made in the year 1997 and 2000.
16. After hearing of the learned Advocate for the petitioner, it appears to this Court that the petitioner has based his claim merely on the basis of the recording of his name in the record of rights. It appears from the record of rights annexed to this writ petition that the name of the petitioner was recorded in the record of rights only on 15<sup>th</sup> May, 2024 when the petitioner claims to have purchased the property sometimes in the year 1997.
17. It is now well-settled that mutation of the name in the revenue records neither creates title nor does it extinguish the same. Though the learned Advocate appearing for the petitioner, in course of argument, submits that the petitioner is in possession of the plots in question but in the letter dated 2<sup>nd</sup> June, 2025, the petitioner has requested the authorities of the WBHIDCO to give possession of his retained land. Thus, it appears that the petitioner in the letter dated 2<sup>nd</sup> June, 2025 has also admitted that he was not in possession of the lands in question. It is well settled that Record of Rights is not a document of title but a document of possession. Though there is a presumption as to the correctness of the entries in the record of rights but such presumption is a rebuttable one. Such presumption, however, stood rebutted in case on hand in the light of the documents relied upon by the parties in course of hearing of this writ petition.

18. It appears to this Court that the petitioner has suppressed the letter dated 2<sup>nd</sup> June, 2025 issued by him to the authority of WBHIDCO and the reply letter dated 14<sup>th</sup> October, 2025 in order to mislead this Court and to give an impression that the petitioner has a semblance of right in RS Dag NO. 1173. Thus, the petitioner has practiced fraud upon the Court for which, this Court is inclined to impose exemplary costs upon the petitioner.
19. From the materials produced before this Court, it appears that Haripada Biswas transferred 33 decimals in plot no. 1173 in favour of Sujata Paul and Jagabandhu Paul and that portion which was retained by him after such transfer was also acquired in the acquisition proceeding. From the records it is evident that the date of alleged purchase by the petitioner is subsequent to the transfer made by Haripada Biswas in favour of Sujata Paul and Jagabandhu Paul. Haripada Biswas has transferred 33 decimals of land in plot no.1173 in favour of Sujata Paul and Jagabandhu Paul. This Court has already observed that portion of the plot in question was acquired and the balance portion was directly purchased from the erstwhile owners. The petitioner approached this Court with an object to mislead the Court only by placing reliance upon the record of rights.
20. That apart, the petitioner after having received the letter dated 10.02.2023 has filed this writ petition on 18.02.2026 after obtaining leave of this Court to move the same on 19.02.2026 citing urgency that the E-auction will be held on 19.02.2026.

21. For all the reasons as aforesaid, this writ petition is dismissed with costs assessed at Rs.25,000/- to be paid by the petitioner to the West Bengal Housing Infrastructure Development Corporation Ltd.
22. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Hiranmay Bhattacharyya, J.)**