19.11.2026
Sl. No. 19 (DL)
Ct.No.19
(Susanta)
(Bench I.D. 266052)

WPA 29297 of 2026

Rahul Das
Vs.
The State of West Bengal & Ors.

Mr. Chandradoy Roy,
... for the Petitioner.

Mr. Asim Hati,
Mr. Yudhisthir Maity ,
... for the State.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.

2. The writ petitioner and the respondent State are represented by their respective learned Counsel.

3. None appears on behalf of the respondent Co-operative society despite service.

4. At the time of hearing, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page number 14 of the instant writ petition, being a copy of the allotment certificate dated 02.10.1993 in respect of flat number B-2 on the second floor of premises number 142 B, N.S.C. Bose Road, Kolkata - 700040, with common car parking space at ground floor.

5. It is submitted that pursuant to issuance of the said allotment certificate, the Chairman/Secretary of the respondent no.3 /Co-operative society issued a share certificate dated 31.08.1998.

6. At this juncture, learned advocate appearing on behalf of the writ petitioner draws attention of this Court to the registered deed of memorandum of settlement dated 17.01.2002 as has been executed by and between the respondent number 3 society and the parents of the present writ petitioner in respect of the aforementioned flat.

7. Drawing attention to Schedule B of the said registered deed dated 17.01.2002, it is submitted that for some reason or other, in the said Schedule B of the said deed dated 17.01.2002, the words "with common car parking space at ground floor" have not been mentioned, though from the allotment certificate dated 02.10.1993, it would reveal that the writ petitioner's parents were allotted one common car parking space at the ground floor together with flat number B-2 on the second floor of the said premises.

8. It is submitted further that taking advantage of the same, the respondent number 3 Co-operative society is not cooperating with the present writ petitioner, who inherited the share of his mother on account of her death in the meantime, in transferring the said flat along with common car parking space in the ground floor, when the writ petitioner makes an endeavour to dispose of the said flat together with car parking space to a third party, who is the private respondent number 7.

9. It is submitted that in the event the allotment certificate dated 02.10.1993 and the Schedule B of

the registered deed of allotment dated 17.01.2002 are read together, it would reveal that the present writ petitioner's father, Rupendra Mohan Das, became the member of the society and thus became the owner of the flat number B-2 with common car parking space at ground floor on the second floor of the aforementioned premises. And thus, there cannot be any difficulty on the part of the present writ petitioner and his father to transfer the said flat along with a common car parking space at ground floor to a third party and/or the private respondent number 7.

10. Such prayer is vehemently opposed by the learned advocate for the respondent State by saying that the present writ petitioner and/or his father cannot be permitted to transfer any other portion of the said building except the flat number B-2 as has been conveyed to them by virtue of the registered deed of allotment dated 17.01.2002.

11. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that admittedly while issuing the allotment certificate dated 02.10.1993, in favour of the writ petitioner's father, Rupendra Mohan Das, it was indicated that flat number B-2 on the second floor with common car parking space at the ground floor is allotted to him. But on perusal of the Schedule B of the said registered deed of settlement dated 17.01.2002, it appears that there is

no whisper in the Schedule B of the said deed of settlement regarding common car parking space at ground floor of the said premises.

12. In view of such, by no stretch of imagination, it can be said that right, title and interest over the common car parking space at the ground floor of the aforementioned premises was at all conveyed in the names of the parents of the present writ petitioner, and therefore, by no stretch of imagination, the present writ petitioner and/or his father, Rupendra Mohan Das, can be permitted to transfer any common car parking space at the ground floor of the aforementioned premises except flat no. B-2 which was conveyed to the parents of the present petitioner.

13. It further appears to this Court that the said deed of allotment was executed and registered on 17.01.2002 and no cogent explanation has been given by the present petitioner as to what prompted him to approach this Writ Court to ventilate his grievance after 24 years.

14. This Court considers that on the ground of unexplained delay and laches, the instant writ petition is not entertainable.

15. In view of the discussion made hereinabove, this Court thus finds no merit in the instant writ petition.

16. Accordingly, WPA 29297 of 2026 is dismissed.

17. There shall be however, no order as to costs.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Partha Sarathi Sen, J.)