

03.05.2024
Item No. 49.
Court No.6.
AB

F.M.A. 517 of 2024

Sumana Saha & Anr.

Vs

The State of West Bengal & Others

Mr. Pratik Dhar, Sr. Adv,
Mr. Samir Halder for the Appellants.

Mr. Suman Sengupta,
Ms. A. Panja Moulick for the State.

Cancellation of allotment of a plot of land in Kalyani was the subject matter of challenge in the writ petition before the learned Single Judge. The writ petition failed, hence this appeal.

The land in question was allotted to the predecessor-in-interest of the appellants in 1989. Payment of salami was made in three installments. The first and second installments were paid within the prescribed time period. There was a delay of about six years in payment of the third and final installment. Apparently, the payment was received by the State Exchequer and receipt was issued against such payment.

Sometime in April, 2000, the predecessor-in interest of the appellants claimed possession of the plot of land in question. By a letter dated January 15, 2001, the concerned department cancelled the allotment that had been made in favour of the predecessor-in-interest of the appellants. Such

cancellation was challenged before the learned Single Judge immediately thereafter. The writ petition has been dismissed.

Mr. Dhar, learned Senior Advocate appearing for the appellants says that in a similar matter, the State Government applied a Notification dated October 8, 2010, and permitted the purchaser from the original allottee to make payment of the amount that was in default. That was the case of **Smt. Mira Sarkar Vs State of West Bengal & Anr.** (MAT 967 of 2018). Mr. Dhar refers to the judgment and order dated March 25, 2022 rendered in that matter by a Coordinate Bench.

Learned Senior Advocate argued that the State cannot discriminate. In the present case also, the appellants should be allowed to put in the requisite salami in terms of the Notification dated October 8, 2010.

Mr. Sengupta, learned Advocate appearing for the State Government says that there was a huge delay of six years on the part of the predecessor-in interest of the appellants to put in the third installment. After six years, the money was received by the concerned department but not accepted. Upon the huge delay being detected, the money was returned and subsequently, the allotment was cancelled. The State has decided to put up the plot of land for auction.

Let this matter be listed again on June 14, 2024, retaining its position. On that date, Mr. Sengupta will come back with instructions on :

- (I) Whether the Notification dated October 8, 2010 is still operative? If not, why not?
- (II) Any policy decision of the State Government doing away with the practice contemplated under the Notification dated October 8, 2010.
- (III) Decision of the State Government to put up the plot of land in question for auction.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)