14.10.2026
Item No.18 (DL)
Court No.19
AJ.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JRUISDICTION

WPA 27168 of 2026

Sri Subhro Chakraborty & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Susanta Paul,
Mr. Pradip Kumar Ghosh.
...for the petitioners.

Mr. Siddharth Shankar Roy,
Mr. Krishnayan Ghosh.
...for the State.

Mr. Debanik Banerjee.
...for the KMDA.

1. The affidavit of service as filed today by the learned Advocate for the petitioners is taken on record.

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

3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent nos.2 and 3 authorities commanding them to execute a registered Deed of Conveyance in favour of the writ petitioners in respect of apartment no. B-3/1 at GD-I Block, Building No.3/1, Type GD-1 and Garage Space No.5 at GD-1 Block.

4. At the time of hearing, learned Advocate appearing on behalf of the writ petitioners at the

very outset draws attention of this Court to paragraph 7 of the instant writ petition. It is submitted that it is the specific case of the writ petitioners that in respect of the aforementioned two properties the writ petitioners paid the entire consideration money and soon thereafter the writ petitioners were put into possession of the aforementioned two properties upon issuance of possession certificates dated 18.02.2009 and 27.07.2010, copies of which have annexed at page nos.45 to 49 of the instant writ petition.

5. It is submitted that despite payment of the entire consideration money to the KMDA authority and despite the fact that the present writ petitioners were put into possession in respect of the aforementioned two properties, the respondent KMDA authority are reluctant to execute the Deed of Conveyance in favour of the writ petitioners in respect of the said two properties. It is thus submitted that appropriate relief may be granted to the writ petitioners in terms of the prayers of the instant writ petitioners.

6. It is further submitted that in two identical cases namely in ***WPA 19212 of 2021 (Smt. Mahashweta Halder –Vs- State of West Bengal & Ors.)*** and ***WPA 19905 of 2018 (Shyama Prasad Bandopadhyay & Anr. –Vs-***

State of West Bengal & Ors.), a co-ordinate Bench of this Court granted relief to the writ petitioners by directing the KMDA authority to execute registered Deed of Conveyances in favour of the said two writ petitioners.

7. On being asked by this Court, learned Advocate appearing on behalf of the KMDA authority did not dispute with regard to the identicalness of the instant writ petition with the aforementioned two writ petitions. It is however contended on behalf of the KMDA authority that on perusal of page no.51 of the insanity writ petition being a copy of the letter dated 21.04.2025, it would reveal that the writ petitioners have given consent to get their property registered by way of a Deed of Lease which is strongly disputed on behalf of the writ petitioners.

8. Learned Advocate appearing on behalf of respondent State supports the contention of the writ petitioners.

9. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocate appearing for the contending parties, it appears that at the time of publication of the advertisement for allotment of the aforementioned two properties the KMDA authority categorically indicated that they would convey the property to the writ petitioners by

way of a registered Deed of Conveyance. It further appears to this Court that pursuant to a subsequent notification of the Government of West Bengal, the KMDA authority cannot take any contrary stand which has been deprecated by a co-ordinate Bench of this Court in the case of ***Smt. Mahashweta Halder (supra)*** and ***Shyama Prasad Bandopadhyay & Anr. (supra)***.

10. In view of such, the instant writ petition succeeds and is hereby allowed. Consequently, the respondent nos.2 and 3 authorities are directed to execute a registered Deed of Conveyance in favour of the present writ petitioners in respect of the apartment no. B-3/1 at GD-I Block, Building No.3/1, Type GD-1 and Garage Space No.5 at GD-1 Block positively within 60 working days from the date of communication of the server copy of this order.

11. It is further directed that the formality of sending draft Deed of Conveyance by the KMDA authority and to get the same approved by the present writ petitioners are to completed also within the said period.

12. The time limit as fixed by this Court is peremptory and mandatory.

13. With the aforesaid observation, WPA 27168 of 2026 is disposed of.

14. There shall be no order as to costs.

15. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Partha Sarathi Sen, J.)