

W.P.A. 20006 of 2019

(Via Video Conference)

Brij Jubak Sangha & Anr.

Vs.

The State of W.B. & Ors.

Mr. Bikash Ranjan Bhattacharya

Mr. Debasis Banerjee ...for the petitioner.

Mr. S. Talukdar

....for the KMDA.

Heard the parties.

This is the third round of litigation by and between the parties.

The grievance of the petitioner is directed against the demand of Rs.10 crores by the respondent KMDA in respect of the subject premises being enjoyed by the petitioner.

Significantly, the demand raised by the KMDA is for the period between the years 1997 to 2020.

By an earlier order dated 30th August, 2019 a learned Single Judge of this Court in WP No.16104 (W) of 2019 refused to interfere with the demand notice dated 1st July, 2019 issued by the KMDA.

Mr. Bhattacharya appearing on behalf of the petitioner submits that the lease granted in the year 1989 was for Rs.300/- per annum and there is no reason why

the KMDA could now have raised a demand of Rs.10 crores.

Mr. Talukdar appearing on behalf of the KMDA places reliance on a letter dated 22nd July, 2019 issued by an Advocate appearing on behalf of the petitioner whereby the petitioner had inter alia admitted that the reasonable rent for the years between 1997 to 2020 could not be more than Rs.8 crores.

I have heard the parties and I am of the view that there is no merit in this writ petition.

The demand raised by the KMDA by virtue of their demand notice dated July 1, 2019 has already been upheld in the earlier writ petition being WP 16104 (W) of 2019. I also do not find any perversity, illegality or arbitrariness in the reasoned order passed by the KMDA.

Moreover, it is an admitted position that the petitioner has been enjoying the subject premises since April, 1997 till date without paying any rent or occupational charges. I also find that the petitioner is guilty of filing repeated writ petitions with the ultimate aim of enjoying the subject premises and procrastinating the payment of rent and/or occupational charges.

In view of the aforesaid, I am unable to find any merit in this writ petition. WPA 20006 of 2019 is dismissed.

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

(Ravi Krishan Kapur, J.)