

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

W.P.O. NO: 170 OF 2021
RAMENDRA KUMAR SHAH & ORS.
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE :
THE HON'BLE JUSTICE SHAMPA SARKAR.
DATE: JULY 08, 2021.

Appearance_:

Mr. Shayak Chakraborty, Advocate
Md. Zohaib Rauf, Advocate
Mr. R. Alam, Advocate
...for Petitioners
Mr. Supratim Dhar, Advocate
...for State
Mr. Moinak Bakshi, Advocate
Mr. Porashor Baidya, Advocate
...for respondents 8 & 9
Mr. Gopal Das, Advocate
Mr. S. Panda, Advocate
...for K.M.C.

The Court :- In this writ petition, the petitioners have challenged the mutation in respect of premises No. 45A, Ram Kamal Street, Kolkata – 700 023 in the names of Dilip Samanta and Dipak Samanta as alleged shebait and owners. It is the contention of the

petitioners that the property in question is a thika property and the petitioners have been recognised as the thika tenants by the appropriate authority. Reference is made to pages 19 and 25 of the writ petition, which show that Enquiring Officer, Kolkata, Thika Tenancy on behalf of the Controller intimated the respondent No. 5, that is The Chief Manager (Revenue-South), Kolkata Municipal Corporation, that the property in question was a thika property. The names of the thika tenants have also been forwarded to the Chief Manager (Revenue-South) by a letter dated December 31, 2020. The petitioners are aggrieved that their names have not been incorporated by way of correction in the municipal records. It appears that the petitioners have already filed a representation before the Assessor – Collector (South), Kolkata Municipal Corporation. The said representation is pending disposal.

Under such circumstances, the petitioners are directed to submit an application along with all information and material particulars with regard to their claims of thika tenancy, including the letters issued by the Enquiring Officer, Kolkata Thika Tenancy to the respondent No. 5 i.e. The Chief Manager (Revenue – South), Kolkata Municipal Corporation within 10 days from date. If such representation is filed, the same shall be considered and disposed of in accordance with law upon hearing the petitioners and also respondent Nos. 8 and 9.

The Kolkata Municipal Corporation shall also call for the assistance from office of the Controller, Kolkata Thika Tenancy, Land &

Land Reforms Department to the Government of West Bengal for clarification and assistance in the matter. However, the Corporation is not required to decide the question of title. A reasoned order shall be passed and be communicated to all concerned. The entire exercise should be completed within a period of eight weeks from the date of receipt of the representation. This Court has not gone into the merits and counter claims of the parties.

The matter stands disposed of.

(SHAMPA SARKAR, J.)

GH.