

OD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/251/2021

SUNIL KUMAR ROY
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 19th July, 2021.

Appearance :
Mr. Raghunath Chakraborty, Adv.
Ms. Sonali Sengupta, Adv.
... for the petitioner.

Mr. Ranajit Chatterjee, Adv.
Ms. Tanushree Dasgupta, Adv.
... for the KMC.

The Court: The writ petition has been filed challenging inaction on the part of the Commissioner, Kolkata Municipal Corporation in disposing of the representation of the petitioner dated June 18, 2021. It is the contention of the petitioner that the premises No.B/167A/H/6, Bipin Behari Ganguly Street, Police Station-Bowbazar, Kolkata-700 012 is a 'Bustee' and not 'Bastu' and the records of the Municipal Corporation should be corrected with regard to the classification of the land in question for the purpose of acceptance of tax.

Mr. Chatterjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation submits that the land in question could be a thika land and without any clarification from the Thika Controller, the representation of the petitioner could not be disposed of. Mr.

Chatterjee, learned Advocate for the petitioner draws the attention of the Court to the reply given by the officer of Narkeldanga Regional Thika Tenancy Office wherein it has been stated that there was no question of the said premises being a thika property.

Be that as it may, the writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to dispose of the representation of the petitioner addressed to the Municipal Commissioner dated June 18, 2021 in accordance with law. The competent authority shall be entitled to hold inspection, seek clarification from the office of the Thika Controller and/or its branch offices in order to ascertain the nature of the land in question and thereafter pass a reasoned order and communicate the same to the parties.

This Court has not gone into the claims and counter claims of the parties, the representation shall be disposed of within a period of 8 weeks from the date of communication of this order.

The reasoned order shall be communicated to the parties.

Parties to act on the server copies of this order.

(SHAMPA SARKAR, J.)