

OD-1

WPO 689 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD ALAUDDIN AND ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 20th September, 2021.

[Via Video Conference]

Appearance:

Mr. M. A. Samad, Adv.

Mrs. Nayaab Mulla, Adv.

. . .for the petitioners.

Mr. Biswajit Mukherjee, Adv.

Ms. Manisha Nath, Adv.

. . .for the K.M.C.

The Court: The petitioner claims to be a lessee for 99 years in respect of a piece of land measuring 1 Cottah 14 Chittacks appertaining to premises no. 4/2B, Convent Lane, Police Station – Entally, Kolkata 700015. The petitioner applied for mutation and also applied for apportionment of his area.

Mr. Mukherjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation submits that the entire premises of No. 4/2B, Convent Lane, Police Station – Entally, Kolkata 700015 measuring about 6 Cottahs 11 Chittacks and 18 sq. ft. was recorded in the names of Apurba Krishna Roy, Pran Krishna Roy and Smt. Pushpa Lata Roy in the Corporation's record. He submits that the entire revaluation has to be done before the apportionment and mutation can be affected. It is further submitted by Mr. Mukherjee that

with regard to separation of the premises/apportionment of the petitioner's share, the Thika Controller Kolkata was requested by the Corporation to intimate the Corporation as to whether the premises in question was a Thika property or not. The Thika Controller has not yet informed the Corporation as to whether the applicant or the original owners were thika tenants or not. As such, the corporation has not been able to complete the process or proceed further without such information.

It appears from the records, that the matter has been pending before the Thika Controller for a long time, as a result of which, neither the apportionment of the share of the petitioner nor the mutation of the same in the name of the petitioner has not been effected.

The matter cannot be allowed to remain in a state of limbo. The writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation, to dispose of the application for mutation and apportionment in accordance with law immediately, upon obtaining a report from the Thika Controller, Kolkata.

The Corporation shall approach the Thika Controller, Kolkata for his decision with regard to the nature of the property, that is, whether the same is a Thika property or not and upon receiving such report shall take steps accordingly.

It is made clear that the revaluation process can be done and kept in abeyance till the report of the Thika Controller is received. The Corporation shall take expeditious steps before the Thika Controller in view of the order passed by this Court. It is expected that the entire issue shall be resolved,

decided and a reasoned order shall be passed within a period of three months from the date of communication of this order. While disposing of the application of mutation and separation or apportionment of the premises, the petitioner shall be heard.

WPO 689 of 2021 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

Sp/