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ORDER SHEET

WPO No. 1077 of 2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RAMENDRA KUMAR SHAH AND ORS.
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 29th November, 2021.

[Via Video Conference]

Appearance:
Md. Zohaib Rauf, Adv.
For the petitioners.

Mr. Moinak Baxshi, Adv.
Mr. Parashar Baidya, Adv.
For the respondent nos. 8 and 9.

Mr. Gopal Chandra Das, Adv.
Mr. Subhrangsu Panda, Adv.
For the K.M.C.

The Court :- The petitioners have alleged that the Corporation ought not to have rejected the case of the petitioners by the order dated September 16, 2021. The order dated September 16, 2021 is an order passed by the Chief Manager (Revenue-South), the Kolkata Municipal Corporation by which the Corporation rejected the case of the petitioners for mutation.

On the basis of the information given by the Special Revenue Officer, Gr.II, Kolkata Thika Tenancy, the petitioner requested the corporation to mutate the property by recording the petitioner at the thika tenant. The order impugned is modified to the extent that the word “rejected” shall be substituted by the expression ‘disposed of at this stage’ and liberty shall be granted to the petitioners to approach the corporation once the Thika Controller decides whether the property is a Thika property or not. The rejection was unjustified in the absence of any report from the Thika Controller. The petitioner is granted liberty to move the appropriate forum against the Thika Controller for not filing the report. The Special Revenue Officer, Gr.II, Kolkata Thika Tenancy on behalf of the Thika Controller, Kolkata, has already issued a clarification dated December 31, 2020 to the Chief Manager Revenue (South), Kolkata Municipal Corporation indicating that the petitioners have been accepted as Thika Tenant in respect of the property in question. This order shall not be construed in any manner as an observation of the legal right of any of the parties to continue either as Thika Tenant or as Bharatia or in any other capacity, until finally decided by the Thika Controller.

WPO No. 1077 of 2021 is, accordingly, disposed of.

(SHAMPA SARKAR, J)