

ORDER SHEET

IA No.GA 4 of 2019
GA 579 of 2019(OLD)
GA 5 of 2019
WPO 1175 of 2006
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

MRS. RAHISAN LODHI & ANR.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 9th February, 2021

Mr. Arindam Banerjee, Mr. Rajdeep Bhattacharya, Ms. Rita Mukherjee, Mr. Dipendra Chunder, Advocates for the petitioners.

Mr. Fazlul Haque, Ms. Manisha Nath, Advocates for K. M. C.

Mr. S. C. Shrivastava, Advocates for respondent no.4.

The Court : The petitioners pray for restoration of the writ application which was dismissed for default on 26th March, 2015.

I have heard the submissions made on behalf of all the parties. Though the grounds mentioned in the application for restoration does not appeal to the Court, even then for interest of justice, the Court heard the submissions of the parties with regard to the merits of the main writ application.

It appears that the petitioners are aggrieved by the action of the Kolkata Municipal Corporation in recording the name of the private

respondent in the records of the Kolkata Municipal Corporation by striking off the name of the petitioners. The petitioners claim ownership of the property in question.

The petitioners claim that the property had been purchased by them by a registered Deed dated 7th August, 2001 and thereafter they got their names mutated in the records of the Kolkata Municipal Corporation. According to the petitioners the Corporation deleted their names from the records without giving them a prior opportunity of hearing.

Presently documents have been produced before this Court wherefrom it appears that the Thika Controller has passed an order in respect of the said premises on 15th March, 2011 by declaring the property in question to be a thika property and the private respondent as the thika tenant. The petitioners being aggrieved by the same have challenged the order of the Thika Controller before the West Bengal Land Reforms and Tenancy Tribunal and the matter being O. A. No.1072 of 2011 is pending adjudication.

In my opinion, there is no requirement of interfering in the matter at this stage. In the event the petitioners are successful in getting the order passed by the Thika Controller vacated or modified or set aside, then the petitioners will be at liberty to take steps before the Corporation for mutation of the property in their names. The Tribunal shall proceed with the matter without being prejudiced by any observation made hereinabove.

The writ petition along with all the connected applications stands disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)

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