

S/L 11
15.03.2022
Court. No. 19
GB

W.P.A. 2176 of 2022

K.I.C. Resources Limited & Anr.
VS
The Kolkata Municipal Corporation & Ors.

Mr. Sourajit Dasgupta,
Ms. Kum Kum Mukherjee.

...for the Petitioners.

Mr. Biswajit Mukherjee,
Ms. Manisha Nath.

...for the K.M.C.

The writ petition has been filed alleging inaction on the part of the Kolkata Municipal Corporation in separating the holding and mutating the name of the petitioners in respect of Premises No.5B Raja Raj Krishna Street, Ward No.11, Police Station-Burtalla under Kolkata Municipal Corporation.

It is submitted that the said premises was originally recorded as a 'Khatal' in the Inspection Book of the Corporation, but with the passage of time, the said area has become a major residential and commercial area. It is further submitted that the Corporation has failed and neglected to correct its assessment register and the Inspection Book with regard to the classification/description of the property in question.

Mr. Mukherjee, learned advocate for the Corporation submits that by a circular dated July 6, 2021, the Municipal Commissioner had issued certain directives, thereby, simplifying the process of dealing with mutation, separation, amalgamation, apportionment of any premises, which were

recorded as a 'Khatal' in the computer database or books of records of the Corporation.

It is submitted by Mr. Mukherjee that three conditions, would have to be fulfilled to take advantage of the said circular, which are as follows:-

- a) "If in Computer Date of KMC description of land is 'Khatal' but in I.B.s no mention of 'Khatal'.
- b) If there is no mention of Khatal in I.B. for period 1975-76, 1981-82 & 1985-86.
- c) If in I.B.s the name of owner's name & occupier's name is same & there is no mention of land let out."

According to Mr. Mukherjee, the premises of the petitioners has been recorded as a 'Khatal' in the Inspection Book and as such, the said premises could not be automatically mutated in terms of the circular in question. Thus, the Corporation wrote a letter to the Thika Controller, Kolkata, for an opinion on the issue. Such approach was made on November 18, 2021. Till date, no reply has been received. According to the Corporation, unless the Thika Controller made an observation with regard to the present position of the property in question, the mutation could not be granted.

Having heard the learned advocates for the respective parties, this Court is of the opinion that the petitioners may approach the Thika Controller for an early disposal of the issue involved, by relying on the circular of the Kolkata Municipal Corporation. The Corporation shall once again pursue the issue with the Thika Controller and it is expected that the issues shall be resolved without further delay as admittedly, the premises in question cannot be treated as a

‘Khatal’ in view of the law and the policy decision of the Corporation itself. The Corporation is also directed to make an inspection with a notice to the petitioners and prepare a report on the physical condition of the said premises. Such report shall be supplied to the petitioners, so that the petitioners may pursue their remedy before the Thika Controller as directed by this Court. The Municipal Commissioner or his delegate shall dispose of the representation of the petitioners on the basis of the report that shall be prepared by the Corporation itself and upon taking into consideration the observations of this Court and the circular of the Corporation. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of six weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate’s communication.

(Shampa Sarkar, J.)