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23.08.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 4141 of 2022

**Mrs. Surabhi Bajaj & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Shashwat Nayak,
Mr. K.N. Jana.
...For the Petitioners.**

**Mr. Biswajit Mukherjee,
Ms. Manisha Nath.
...For KMC.**

Leave is granted to the learned advocate-on-record of the petitioners to amend the description of the respondent No.4 in the cause title of the writ petition.

The matter relates to the Premises No. 215, Bagmari Road, Kolkata-700054, Ward No. 14 under the jurisdiction of the Kolkata Municipal Corporation.

The petitioners rely upon an order by the Controller, Kolkata Thika Tenancy dated 12th December, 2012 wherein the Controller has passed order that the premises does not come under the purview of the West Bengal Thika Tenancy (Acquisition & Regulation) Act, 2001.

The petitioners also rely upon a communication made by the Assessor Collector (North) to the Controller, Kolkata Thika Tenancy on 2nd April, 2019 enquiring from the Controller of Kolkata Thika Tenancy

with regard to the existence of thika tenants in the said premises and to confirm whether the premises is under the purview of Controller of Kolkata Thika Tenancy.

The petitioners are not aware whether there was any response to the communication from the end of the Controller, Kolkata Thika Tenancy apropos the letter issued by the Assessor Collector (North), Kolkata Municipal Corporation on 2nd April, 2019.

The petitioners through the learned advocate made a representation before the respondent authorities of the Kolkata Municipal Corporation as well as the Controller, Kolkata Thika Tenancy praying for deletion of the word 'Khatal' which is recorded against the said premises.

The said representation was sent through post in January 2022.

The petitioners allege that the same has not been answered by the respondent authorities till date.

As it appears from the submissions made on behalf of the petitioners that the representation made on behalf of the petitioners praying for deletion of the word 'Khatal' against the premises in question is pending consideration at the end of the respondent Corporation, accordingly, the instant writ petition is disposed of by directing the respondent No. 4 being the Chief Manager (Revenue) North, Kolkata Municipal Corporation to take a decision with regard to the representation filed on behalf of the petitioners in accordance with law, at the earliest, but positively within a period of twelve weeks from the date communication of a copy of this order.

The aforesaid respondent shall afford a reasonable opportunity of hearing to the petitioners and all the other necessary parties including the representative of the Controller, Kolkata Thika Tenancy prior to take any decision in the matter.

The petitioners shall be permitted to rely upon the documents in support of their stand that the property in question is not a thika premise.

The aforesaid respondent shall pass a reasoned order and communicate the same to all the necessary parties, immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)