

09.09.2022
Court No.25
Item No. 45
Aloke Dutta

W.P.A 4046 of 2008

**Md. Habibur Rahaman & Ors.
vs.
The Kolkata Municipal Corporation & Ors.**

Mr. Shah Jamal Hazra
... For the petitioners

Mr. Mrinal Kanti Ghosh,
Mr. Swapan Chakraborty
... For the respondent nos.5 and 6

Mr. Swapan Debnath
.... For the Kolkata Municipal Corpn.

The petitioners claim that though their names were recorded as thika tenants in the records of Kolkata Municipal Corporation (for short 'KMC') in respect of premises no.B/7B/H/6, Rajab Ali Lane, Police Station Ekbalpur, Kolkata – 700 023 but their names had been deleted from the assessment record.

The learned advocate for the petitioners submits that no opportunity of hearing was afforded to the petitioners before deleting their names as thika tenants from the records of the Kolkata Municipal Corporation.

Record reveals that on a writ petition being filed by Musst. Amina Khatoon & Ors., i.e. the respondent no.5 herein, a Co-ordinate Bench of this Court by an order dated April 26, 2004 directed the competent authority of the Kolkata Municipal

Corporation to decide the application for mutation after giving an opportunity of hearing to the writ petitioners in the said writ petition and all other interested parties including the private respondents and to communicate the decision within the time limit specified in the said order.

This Court by an order dated August 31, 2022 directed the private respondents to produce a copy of the order passed by the Kolkata Municipal Corporation directing their names to be recorded as thika tenants in respect of the said property.

Today when the matter is taken up for hearing, the learned advocate appearing for the respondent nos.5 and 6 submits that the said respondents have not supplied any copy of the order passed by the Kolkata Municipal Corporation with regard to mutation of the said property.

Mr. Debnath, learned advocate appearing for the Kolkata Municipal Corporation submits that a direction may be passed upon the competent authority of the Kolkata Municipal Corporation to give an opportunity of hearing to the parties and decide the matter.

Mr. Ghosh, learned advocate, appearing for the private respondents submits that the petitioners may take advantage of this order in the pending proceedings before the Thika Controller and

therefore a time limit be specified for consideration of such issue by the KMC.

Since no representation has been filed by the writ petitioners before the competent authority, liberty is given to the writ petitioners to make a representation before the concerned respondent/Corporation positively within two weeks from date and if such representation regarding mutation in respect of the aforesaid premises is made within the aforesaid time limit, the competent authority of the KMC shall decide the issue with regard to mutation of the property in question by passing a reasoned order after hearing the petitioners, the private respondents herein and any other interested parties within a period of eight weeks thereafter and communicate the decision to the petitioners.

With the above direction, the writ petition being WPA 4046 of 2008 stands disposed of. There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)