

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14785 of 2022

Manzoor Hossain & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Khairul Islam
...for the petitioners

Mr. Samrat Sen,
Mr. Amitava Mitra
...for the State

Learned counsel appearing for the petitioners submits that the application filed by the petitioners before the Controller, Kolkata Thika Tenancy Office, dated May 19, 2022, has not yet been acted upon by the Controller.

The learned Senior Advocate appearing for the Controller submits that a Form-A has been sought to be submitted by the petitioners, which can only be done by an undisputed thika tenant.

It is further submitted that the time stipulated by the amended Rule 3 of the West Bengal Thika Tenancy (Acquisition and Regulation) Rules, 2004 has already been exceeded by the petitioners.

Upon a perusal of the “application”, annexed at page 18 of the writ petition, it appears that the petitioners seek a declaration that the petitioners are

thika tenants in respect of the property-in-question, that is, premises No. B/6/H/1, Ustagar Lane, Kolkata.

Hence, taking note of the submissions made by the parties, W.P.A. No. 14785 of 2022 is disposed of by granting liberty to the petitioners to file an appropriate application within the contemplation of Section 5(3) of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 before the Controller, that is, the respondent no. 2 herein.

If such an application is filed, the respondent no. 2 shall decide the same in accordance with law upon giving notices to all the interested parties, as expeditiously as the business of the Controller permits.

In the event, the petitioners are able to establish before the Controller that they are existing thika tenants in respect of the property, a leave is granted to the petitioners also to take out appropriate application, as contemplated in law, for repairing/reconstructing the premises in accordance with law.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)