

OD-3

APOT 27 of 2022
 IA No.GA 2 of 2022
 with
 WPO 1193 of 2021
 IN THE HIGH COURT AT CALCUTTA
 Civil Appellate Jurisdiction
 ORIGINAL SIDE

GULAM SARWAR
 Vs.
 THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
 The Hon'ble JUSTICE ARIJIT BANERJEE
 AND
 The Hon'ble JUSTICE KAUSIK CHANDA
 Date : March 9, 2022.

Appearance:
Mr. M. A. Samad, Advocate
Mr. Chandan Bhadury, Advocate
...for the appellant.
Mr. Ranajit Chatterjee, Advocate.
Mr. Dipankar Ghosh, Advocate
. . . . for respondent KMC.

The Court : This appeal is directed against an order dated December 8, 2021 whereby the appellant's writ petition being WPO 1193 of 2021 was disposed of by granting liberty to the petitioner to approach the appropriate forum in accordance with law.

The writ petitioner had approached the learned Single Judge with the grievance that the Corporation is not granting mutation in his name. The learned Judge was apprised that the issue as to whether or not the property in question is a thika property is pending before the Thika Controller. Until a decision is taken by the Thika Controller, the Corporation is not in a position to mutate the property in the name of the appellant. The learned Judge observed that the real grievance of the writ petitioner is against the Thika

Controller, Kolkata and the appropriate remedy is before the West Bengal Land Reforms Tenancy Tribunal.

Before us, Mr. Chatterjee, learned Advocate appearing for the Corporation has produced copies of notices dated April 18, 2019 and November 29, 2019 issued by the Deputy Controller, Kolkata Thika Tenancy, addressed to amongst others, Md. Kaiser and others. Md. Kaiser is the brother of the writ petitioner. It appears that the writ petitioner along with his brothers have purchased the property in question.

Since the Deputy Controller, Kolkata Thika Tenancy has issued notices to the writ petitioner and his brothers, they should approach the Deputy Controller and take appropriate steps before him. We understand that after issuance of the notices dated April 18, 2019 and November 29, 2019, referred to above, nothing much has happened before the Deputy Controller, Kolkata Thika Tenancy. We direct the Thika Controller/Deputy Controller, Kolkata Thika Tenancy to decide the issue of whether or not the property in question is a thika property, within a period of eight weeks from the date of communication of this order, after giving an opportunity of hearing to all concerned parties including the appellant and the Corporation.

We do not see any reason to interfere with the order under appeal.

The appeal and the connected application are accordingly disposed of.

(ARIJIT BANERJEE, J.)

(KAUSIK CHANDA, J.)