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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1935/2022

KONARK VYAPAAR LLP AND ANR.
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 7th April, 2022.

Appearance :
Ms. Hashnuhana Chakraborty, Adv.
Ms. Neelina Chatterjee, Adv.
Mr. S. Chakraborty, Adv.
... for the petitioner.

Mr. Alak Kr. Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
... for the KMC.

The Court: Petitioner no.1 is an allottee of a Flat No. E-502, Block E, 5th floor measuring 1098 square feet along with one car parking space at premises no. 4, Debendralal Khan Road, Kolkata-700025. Such allotment was made by the Kolkata Municipal Corporation. Records reveal that joint inspection of the property was held sometime in June, 2008. The petitioner no.1 deposited the entire consideration money for the flat as also for the car parking space. The Corporation recognized the petitioner no.1 as an allottee and also directed the allottees including the petitioner no.1 to form an association for the maintenance of the building. The name of the petitioner no.1 has been mutated in the assessment records and the petitioner no.1 has been paying property tax.

Records further reveal that the documents with regard to such allotment were transferred from the Department of Planning and Development to the Department of Chief Valuer and Surveyor of the Kolkata Municipal Corporation. The petitioner alleges that the petitioner no.2 has been running from pillar to post, requesting the Corporation to finalize the sale and execute the conveyance deed, but the Corporation has failed and neglected to do so. Moreover, the Corporation has threatened the petitioners that eviction proceedings would be initiated in case the petitioners failed to produce the allotment letter. It is contended that the allotment letter was never issued by the Corporation.

There is no dispute with the fact that the allotment was made to the petitioner no.1. Consideration money had been paid. The Corporation has recognized the petitioner no.1 as an allottee. Instructions have been given to the petitioner no.1 time and again with regard to some liabilities and compliances in respect of the flat.

In the above fact situation, the Court directs the Special Municipal Commissioner (Revenue) to dispose of the representation of the petitioner dated 9, March 2022 in accordance with law within two months from date.

The Court hopes and trusts that the Corporation shall rise to the occasion and appreciate that huge consideration money has been deposited by the petitioner no.1. The petitioner's name has also been

mutated in the records and there cannot be any embargo in completing the process of transfer of the allotted share of the petitioner.

The writ petition is disposed of accordingly.

Such decision shall be taken up by the Special Municipal Commissioner (Revenue) who has also been approached by the petitioner by a representation dated March 9, 2022. The petitioner shall be allowed to participate at the proceedings and submit all relevant documents in support of their contentions.

All steps shall be taken within a period of two months from the date of communication of this order.

(SHAMPA SARKAR, J.)