

OD-3

ORDER SHEET

WPO/1451/2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PRABHAS CHANDRA DAS AND ORS.
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 13th January, 2022.

[Via Video Conference]

Appearance:
Ms. Manju Agarwal, Adv.
Mr. Bajrang Manot, Adv.
For the petitioners.

Mr. Achintya Kumar Banerjee, Adv.
Mr. Dipankar Ghosh, Adv.
For the K.M.C.

The Court :- The petitioners are aggrieved by the inaction on the part of the Kolkata Municipal Corporation in disposing of the representation of the petitioners dated May 2, 2008, despite a direction of this Court dated 23rd April, 2015. According to the petitioners, the names of the petitioners had been mutated in respect of the said premises No.52 Creek Row. It is alleged that the premises was

renumbered by the Corporation as 52/H/1, 52/H/2, 52/H/3, Creek Row, Kolkata 700 014. According to the petitioners, the Corporation authorities did not have jurisdiction to sub-divide and renumber the premises. It is further submitted that an opportunity of hearing was given to the petitioners but, thereafter the corporation authorities neither concluded the hearing nor any final order had been passed since then.

Mr. Achintya Banerjee, learned Advocate appearing on behalf of the Corporation submits that the petitioners did not have any right, title and interest in respect of the premises in question. He submits that in 1981 the property had vested in the state in terms of the provisions of the Thika Tenancy Act. That the premises was a thika property and as such the petitioners' claim to title over the said property was misconceived. It also appears from the records as pointed out by Mr. Banerjee that the petitioner had approached the officer-in-charge, of the office of the Thika Controller Narkeldanga Regional office requesting the authority not to accept any rent in respect of the premises in question.

The petitioners vehemently oppose the submissions of Mr. Banerjee that the land had vested in the State of West Bengal under the provisions of Thika Tenancy Act.

Be that as it may, as there is an order of this Court upon the Assessor Collector (North) to consider the representation of the petitioners dated May 2, 2008 and pass a reasoned order, this Court is of the opinion that the said order must be complied with. The Assessor

Collector (North) of the Corporation shall conclude the hearing upon giving opportunity to the petitioners and all interested parties who occupy the premises in this regard, and pass a reasoned order in accordance with law. The result shall be intimated to the petitioners as also other interested parties.

All the questions raised by Mr. Banerjee are left open to be decided by the Assessor Collector (North).

The entire exercise shall be completed within a period of three months from the date of communication of this order.

(SHAMPA SARKAR, J)

snn.