

WPO No.2315 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KANHAIYA SINGH & ANR.
Vs.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:25th July, 2022.

Appearance:
Mr. Raghunath Chakraorty, Adv.
Ms. Sonali Sengupta, Adv.
Ms. Sonali Ghosh Basu, Adv.
...for Petitioners.

Mr. Arijit Dey, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
..for State/Thika Controller..

The Court:-The matter relates to the premises no.9/6, Omda Raja Lane, Ward- 36, Kolkata-700 015 under the jurisdiction of the Kolkata Municipal Corporation.

In compliance of the direction passed by this Court, Assessor-Collector North, Kolkata Municipal Corporation inspected the site on 13th July, 2022. On inspection, it was found that the said plot is approximately 6 cottahs. There is existence of 3 semi-pucca structures with asbestos shed comprising 18 rooms in total. The area of the built-up structure (semi-pucca) is 2000 sft. approximately. All the structures are used for residential purpose and there is no existence of Khatal at the site.

In the earlier records of the Kolkata Municipal Corporation, there is existence of Khatahs.

As it appears from the report of the Assessor Collector (North), Kolkata Municipal Corporation dated 18th July, 2022 that at present the Khatal do not exist in the said premises, accordingly, respondent no.2 or his delegatee is directed to take steps in accordance with law for consideration of the representation filed by the petitioners for deleting the premises from the list of Khatal as maintained by the Kolkata Municipal Corporation.

Necessary steps shall be taken in the matter after giving reasonable opportunity of hearing to all the necessary parties within a period of twelve weeks from the date of communication of this order. Reasoned order shall be passed and communicated to the parties immediately thereafter.

It is made clear that the Kolkata Municipal Corporation shall not interfere with the status of thika of the said property and it will be open for the petitioners to apply before the concerned authority of the Thika Controller for taking necessary steps in the matter.

Report dated 18th July, 2022 filed by Assessor-Collector (North), Kolkata Municipal Corporation in Court today is taken on record.

Report dated 19th July, 2022 filed by Kolkata Thika Controller in Court today is also taken on record.

Writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)