4. **30.6.2023**
Ct. No.7.

WPA 2271 of 2019

KIC Resources Limited & Anr.
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Soumik Ganguly
Ms. Kumkum Mukherjee ..for the Petitioner.

Mr. Achintya Kr. Banerjee
Ms. Tanushree Das ..for the KMC.

The petitioners claim to be the owner of premises No. 70, Deodar Rahaman Road, Kolkata. The petitioners further claim to have submitted a building plan for sanction by the authorities of the Kolkata Municipal Corporation (KMC). The grievance of the petitioner is that the Municipal Authorities are sitting tight over the matter and have not taken any steps to sanction the building plan in favour of the petitioner in respect of premises No. 70 Dr. Deodar Rahaman Road, Kolkata.

Mr. Banerjee learned Advocate representing the Kolkata Municipal Corporation draws the attention of the Court to the Memo dated 28.12.2016 and submits that premises No. 70 Dr. Deodar Rahaman Road and premises No. 74 Dr. Deodar Rahaman Road are same and identical. He further submits that the premises No. 74 Dr. Deodar Rahaman Road has been acquired by the Government of West Bengal. It is the stand of the Kolkata Municipal

S.G.

Corporation that the petitioner has already received the amount awarded in favour of the petitioner in respect of premises No. 74. Dr. Deodar Rahaman Road.

Mr. Ganguly learned Advocate representing the writ petitioner, however, disputes the submission of Mr. Banerjee that the premises of the petitioner was the subject matter of acquisition. Therefore, according to Mr. Ganguly, the question of receiving the awarded amount does not arise.

After hearing the learned Advocates for the respective parties and considering the materials-on-record this Court is of the considered view that dispute relates to the identity of the property, which is the subject matter of the writ petition. The petitioner claims that he is the owner of the premises No. 70 Dr. Deodar Rahaman Road whereas it is the case of the KMC that the property of the petitioner being premises No. 74 Dr. Deodar Rahaman Road was acquired by the State. Such dispute as to identity of property cannot be decided in the writ petition.

It appears from the Memo dated 28.12.2016 that the Assessor Collector, KMC Tolly Tax Department issued the said Memo dated 28.12.2016 requesting the petitioner to explain their stand with regard to the observations contained in the said memo. Though Mr. Ganguly submits that the petitioner duly attended the Office of the KMC but the KMC has not taken any decision, which is disputed by Mr. Banerjee, but without entering such disputes, this Court gives liberty to the petitioner to submit the documents in order to explain the stand of the petitioner vis-à-vis the observations contained in the memo dated 28.12.2016 for resolving the dispute regarding the identity of the property. Such documents are to be submitted before the Assessor Collector, KMC Tolly Tax Department on or before July 14, 2023 by the petitioners. In that event such documents are submitted within the time mentioned hereinabove, the Assessor Collector, KMC Tolly Tax Department being the respondent No. 6 to this writ petition shall take decision on the dispute as to the identity of the property as expeditiously as possible but positively by the end of August, 2023 after giving an opportunity of hearing to the petitioners or their authorised representative and by passing a reasoned order which shall be communicated to the petitioner within a week thereafter.

With the above direction, the writ petition stands disposed of.

(Hiranmay Bhattacharyya,J.)

(I.P. Mukerji, J.)