

Item No.228

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

03.10.2023  
Ct-24  
BP

WPA 4635 of 2020  
IA No. CAN 1 of 2020  
(Old No.CAN 5023 of 2020) (Not in file)

CAN 2 of 2021  
CAN 3 of 2022

SKCL Capital Private Limited & Anr.  
v.  
The Kolkata Municipal Corporation  
& Ors.

Mr. Rajarshi Dutta  
Mr. Sandip Kumar Datta  
Mr. S.D. Chowdhury  
... for the petitioners

Ms. Sima Adhikari  
Ms. Manika Pandit  
... for the State

Mr. Subhrangsu Panda  
..for K.M.C.

Affidavit of service filed in Court is taken on record.

On perusal of the report filed by the Chief Valuer and Surveyor, Kolkata Municipal Corporation dated 19<sup>th</sup> August, 2023, it appears that the disputed plot was leased out by the Officers on Special Duty, Calcutta Metropolitan Development Authority in favour of one Kalidhan Institution for Girls' way back in April, 1991.

The petitioners claim ownership of the subject plot. It has been submitted that the land in question was recorded in favour of the petitioners and the petitioners are paying tax in respect of the same.

The petitioners allege that the school in question dispossessed the petitioners from the said plot of land without the authority of law.

I am of the opinion that the writ court will not be the appropriate forum to provide relief to the petitioners as sought for.

The petitioners ought to approach the appropriate forum seeking restoration of possession of the subject plot. An institution for girls is running in the subject plot for a considerable period of time. The said institution cannot be thrown away without the authority of law.

In view of the above, no relief can be granted to the petitioners in the instant case. The writ petition fails and is hereby dismissed. It will be open to the petitioners to approach the appropriate forum seeking remedy, if so advised.

All connected applications stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J.)**