

27
10.10.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 7984 of 2023

**Ravi Kumar Jaiswal
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Sounak Bhattacharya
Mr. Anirban Saha Roy
...For the petitioner.**

**Mrs. K. Bhattacharya
Ms. Manisha Nath
... For the K.M.C.**

**Mr. Supriyo Chattopadhyay
Ms. Debosri Chatterjee
... for the respondent nos. 14 and 15.**

Leave granted to the learned advocate for the petitioner to correct the designation of the respondent no. 3 in the cause title of the writ petition.

The matter relates to a thika property at 75B, Kailash Bose Street, Kolkata- 700 006, Ward No. 27 under Borough IV of the Kolkata Municipal Corporation.

The petitioner claims to be the thika tenant of the subject property.

Allegation is that the thika property has been sold in favour of the respondent nos. 14 and 15 and relying upon the deed of sale, the Corporation has mutated the property in favour of the private respondents.

The petitioner contends that the same is impermissible in accordance with the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001.

Learned advocate representing the private respondents submits that the portion which has been purchased by the private respondents does not belong to thika.

As it appears that the objection seeking cancellation of the mutation is pending consideration before the Assessor Collector (North) of the Corporation, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Assessor Collector (North) being the respondent no. 3 to consider the legal representation filed on behalf of the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to all the parties.

It will be open for the parties to rely upon all documents in support of their respective claim.

Decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

It is made clear that this Court has not entered into the merit of the claim and counter claim of the parties and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation.

Learned advocate for the petitioner is directed to forward a copy of the legal representation dated 14th February, 2023 along with other supporting documents at the time of communicating the order of the Court.

The writ petition stands 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.)