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ORDER SHEET
WPO No.24 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BHANU SONKAR & ANR.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:8th February, 2023.

Appearance:

Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
...for the Petitioners.

Mr. Arijit Dey, Adv.
Mr. Jayanta Kr. Dhar, Adv.
... for KMC.

Mr. Sunil Kr. Chakraborty, Adv.
Mr. Sumitava Chakraborty, Adv.
...for Respondent Nos.5 & 6.

The Court:-Supplementary affidavit filed in Court today is taken on record.

The petitioners claim to be tenants in the ground and first floor of the premises no.12, Goenka Lane, Ward-23, Borough-IV under the Kolkata Municipal Corporation jurisdiction.

Grievance of the petitioners is that the Kolkata Municipal Corporation sanctioned the building plan submitted by the landlords without keeping any space earmarked for the petitioners.

Reliance has been placed on the provision of the Kolkata Municipal Corporation Act and the corresponding Rules in support of the submission that

the area to be handed over to the tenants shall be clearly specified in the plan proposal.

Copy of the sanction plan has been annexed to the supplementary affidavit. It appears therefrom that the names of the tenants have to be mentioned in the said plan. The names of the petitioners are, however, not there.

It is the categoric submission of the respondent nos.5 & 6 being the developer of the property that the petitioners are not the tenants of the subject premises. A civil suit filed by the petitioners for declaration of their tenancy right is pending consideration before the learned Court below.

The Court is of the opinion that the status of the petitioners as tenants is disputed. The Writ Court will not be the appropriate forum to decide the tenancy right of a party. In the event the petitioners are successful in declaring their tenancy right before the competent forum, then the private respondents shall be bound by the decree to be passed by the Civil Court and provide accommodation to the petitioners, in accordance with law.

The 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.)