

OD-4

ORDER SHEET
WPO No.1580 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AMITABH KUNDU & ORS.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:18th September, 2023.

Appearance:
Mr. Arun Kr. Chowdhury, Adv.
Mr. Dibakar Bhattacharjee, Adv.
... for the Petitioners.

Mr. Gopal Chandra Das, Adv.
Ms. S. De Sarkar, Adv.
... for KMC.

Mr. Ranjan Kr. Roy, Adv.
Mr. Ranajit Roy, Adv.
...for Respondent nos.6 & 7.

The Court:-The petitioners claim to be the tenants in respect of the premises No.4, Garstin Place, Ward No.45, Borough-V of the Kolkata Municipal Corporation.

An order under Section 412A was passed by the Corporation in respect of the said premises. Some of the tenants/occupiers of the building approached this Court by filing writ petition for relief. In the said writ petition number being WPO No. 1397 of 2023 the Court recorded that the tenants/occupiers were negotiating with the landlords. Other tenants/occupiers have possibly entered into talks of settlement with the landlords with regard to the manner in which the order under Section 412A will be complied with.

The petitioners seek similar relief.

Learned advocate representing the private respondents submits, upon instruction that, the petitioners are no longer the tenants/occupiers of the subject premises. The petitioners have left the premises more than twelve

years back and they never paid rent to the landlords. The landlords deny the status of the petitioners as tenants/occupiers of the subject premises.

In the present writ petition, the Court is not deciding the status of the parties. It will be open for the petitioners to approach the appropriate forum for declaration of their status and other consequential relief.

It will be open for the landlords to take steps in terms of the notice issued under Section 412A of the Kolkata Municipal Corporation Act, 1980.

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.)