

17.03.2025
Ct. No. 30
S.L. No.18
SM

WPA 14686 of 2021
Ava Chatterjee
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. D.N. Chatterjee
Mr. P. Sengupta
.....for the petitioner
Mr. Arijit Dey
Mr. Arijit Sarkar
Ms. Suranjana Dey Sarkar
.....for the K.M.C.

The present writ application has been preferred praying for direction upon the respondents so that she can get the possession as claimed for which she paid a sum of Rs. 2,00,046/-. In course of hearing, learned counsel for the petitioner submits that a representation dated 08.01.2021 was filed by the petitioner which has not been considered by the respondent till date.

On the other hand the learned counsel for the Kolkata Municipal Corporation places his report in the form of affidavit and also an order dated 21.06.2019 vide which hearing under Section 432 of the Kolkata Municipal Corporation Act, 1980 was conducted in presence of the petitioner herein and her husband.

The said order is a reasoned order and relates to the same matter as stated in the representation dated 08.01.2021. The petitioner has suppressed the said order and also has suppressed the fact that

a due hearing was given to her, but the same has not placed before the Court.

Vide the order dated 21.06.2019 the hearing officer Chief Manager Market, Kolkata Municipal Corporation, on hearing the parties held:-

“Heard. Considered. It reveals that as per approval of Municipal Commissioner, Ava Chatterjee exchanged her stall no. 01-60 with the ladies toilet situated on the main corridor of the Market Complex. However, a ladies toilet of 14.64 sq.mtr. was constructed by Ava Chatterjee whereas the old ladies toilet was of 19.36 sq.mtre. As such, Smt. Ava Chatterjee constructed the ladies toilets less than its previous area and constructed a new stall (stall no. 01-73) illegally in the rest space of her previous stall No.- 01-60. Smt. Ava Chatterjee not only constructed the stall no. 01-73 but also transferred the same in favour of Kakali Mallick without any prior permission from the competent authority. Transfer of stall without prior permission from the competent authority is also illegal. As such, it is seen that from construction of ladies toilets and a separate stall (stall no. 01-73) to transfer of stall no. 01-73 to a third party, Smt. Ava Chatterjee has taken illegal steps and now she is claiming that she has not transferred any stall to anyone. After transferring stall no. 01-73 to Smt. Kakali Mallick about 14 years back, her claim for the

said stall does not hold water and she has no locus standi in respect of the stall 01-73.

It is, therefore, ordered that Ava Chatterjee's claim in respect of stall no. 01-73 be rejected and mutation process in respect of the stall no. 01-73 be initiated."

Sd/-

*Chief Manager (Market)
Kolkata Municipal Corporation*

Considering the fact that the dispute raised in the writ petition has already been addressed by the Kolkata Municipal Corporation in its order dated 21.06.2019, this Court finds that the writ petition has no merit and is accordingly dismissed.

Copy of the order dated 21.06.2019 filed be kept with the record.

Pending applications, if any, stands disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

[Shampa Dutt (Paul). J]