

OD-10

WPO No.377 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI DEBASISH BARDHAN
VS
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 7th May, 2024.

Appearance:
Mr. Saumyajit Ghosal, Adv.
...for the petitioner.

Mr. Biswajit Mukherjee, Adv.
Mr. Anand Farmania, Adv.
...for K.M.C.

Ms. Srijani Mukherjee, Adv.
...for State.

The Court:- The order passed by the Municipal Commissioner, Kolkata Municipal Corporation on 11th October, 2023 rejecting the petitioner's prayer for cancellation of sanction plan on the ground of obtaining the same by misrepresentation and suppression of material fact is impugned in the present writ petition.

Reason for rejecting the prayer of the petitioner appears to be that he failed to prove his tenancy in the suit premises.

Learned advocate representing the petitioner submits that the issue of tenancy is pending consideration before the learned Civil Court.

The Court is of the opinion that the Municipal Commissioner is not the competent authority to decide the tenancy of a tenant. The issue of tenancy appears to be pending consideration before the learned Civil Court.

It will be open for the petitioner to take further steps in the matter only after his tenancy rights are approved by the Civil Court. The order impugned is not required to be interfered with.

The writ petition fails and the same stands dismissed.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)