

OD-15

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
WPO/528/2024

FARZANA LATIF AND ORS
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 3rd July, 2024.

Appearance:

Mr. Anirban Kar, Adv. Mr. Munshi
Ashiq Elohi, Adv. ..for the Petitioners.Mr. Jaydip Kar, Sr. Adv. Mr. Piyali
Sengupta, Adv. ...for KMC.Mr. Rishabh Ahmed Khan, Adv. For
private respondent.

The Court: The petitioners submit that they were served with a notice directing them to vacate stall nos. N2-069 and N2-086 on the second floor of S.S. Hogg Market, Kolkata- 700 087. It is submitted that the notice was affixed at the premises on 23rd April, 2024.

It appears that one Parvez Latif was a lessee in respect of the aforesaid two shop rooms by way of a lease granted by Kolkata Municipal Corporation.

Parvez died on 11th July, 2020. A dispute cropped up between the brothers and sisters of Pervez (petitioners) on one side and wife of Pervez (respondent no.5) on the other with regard to the mutation of the aforesaid two shop rooms after the death of Parvez.

The Corporation, however, mutated the relevant assessment record in favour of respondent no. 5.

The petitioners filed a suit being Title Suit no. 717 of 2023 before the learned 6th Bench, City Civil Court at Calcutta, inter-alia, praying for cancellation of mutation in favour of respondent no. 5.

An injunction application was also filed in connection with the suit restraining the respondent no. 5 from creating any third party interest in respect of the aforesaid two shop rooms.

Learned Advocate appearing for the petitioners submits that the Corporation, despite pendency of the injunction application, is trying to forcibly evict them from the aforesaid two shop rooms.

It is the case of the petitioners that they are in possession of the said shop rooms and they are running tailoring business from the said two shop rooms.

Respondent no. 5, however, disputes such allegation.

The Corporation on the other hand has submitted before this Court that it will not evict the petitioners from the shop rooms in questions without taking recourse to the due process of law.

In view of the stance of the Corporation, I am not inclined to keep this writ petition pending. I grant liberty to the petitioners to question the propriety of the notice appearing at page 124 of the writ petition in the pending civil suit and to seek appropriate relief in the suit. I also direct the learned Judge in the trial Court to dispose of the pending injunction application as expeditiously as possible.

With the aforesaid observations WPO/528/2024 is disposed of.

(KAUSIK CHANDA, J.)

dg/