OD-11 ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPO/1102/2024
IN THE MATTER OF :
SIKRI SERVICES PRIVATE LIMITED AND ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date: 27th November, 2024.

APPEARANCE:
Mr. Arindam Banerjee, Sr. Adv.
Mr. Ashis Kr. Mukherjee, Adv.
Mr. Saurabh Prasad, Adv.
For petitioners
Ms. Piyali Sengupta, Adv.
Ms. Gulnaz Quraishi, Adv.
For KMC

The Court : The petitioners claim to be the registered owner in respect of premises No.76, Christopher Road, Kolkata – 700 046. The petitioners claim ownership by virtue of a sale deed dated 21st October, 2002 from one Naresh Chandra Ghosh.

The petitioners claim that in order to get the relevant assessment records mutated in their favour, they have cleared the arrear tax of the said premises. The petitioners submit that when the petitioners were going to file an application in the prescribed form for mutation it has come to the knowledge of the petitioners that the Corporation has received objection from some persons claiming some right, title and interest over the property and has called for a hearing of the parties.

It is submitted that the Corporation ought not to have allowed those persons to raise any objection since the petitioners are the title holder of the property in question.

On behalf of the Corporation it has been submitted that it received an objection from one Debarshi Chakraborty claiming himself to be a constituted attorney of a trust, namely "Radha Ballav Jew". The trust claims ownership in respect of the property by virtue of a registered deed of declaration.

It has been submitted that the Corporation has not yet decided the rival claim of the parties. Only two hearing took place on 4th October, 2024 and 13th November, 2024.

I am of the view that since nothing has been decided by the Corporation as on date, there is no scope to interfere at this juncture.

I dispose of this writ petition with the direction upon the relevant Assessor-Collector to decide the issue as expeditiously as possible preferably within a period of three months from date.

The relevant Assessor-Collector shall ensure that the document relied upon by the parties before him are exchanged amongst them.

The Assessor-Collector shall provide an opportunity of hearing to the petitioners and the other concerned.

Needless to mention that the concerned Assessor-Collector shall decide the matter without being influenced by any observations made in this order.

The parties are at liberty to raise all points available to them.

The writ petition being WPO No. 1102 of 2024 is, accordingly, disposed of.

(KAUSIK CHANDA, J.)

Sb/