

08.12.2025
Ct. 3
Item No.
A 48
Saswata

WPA 2864 of 2024
Sarita Debi Singh & Ors.
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Sujeet Kr. Maurya

...For the petitioners

Mr. Tanushree Dasgupta

Ms. Manisha Nath

...For the KMC

1. Affidavit of service filed in Court today is retained with the record.
2. The instant writ petition has been filed, inter alia, complaining failure on the part of the municipal authorities to mutate the name of the petitioners as a thika tenant in respect of premises no. 52/1A, Karl Marx Sarani, (Portion) Police Station : South Port, Ward no. 79, Kolkata – 700023.
3. Records would reveal that pursuant to the order passed by a Coordinate Bench of this Court the petitioners had applied before the municipal authorities in requisite format. The petitioners would complain that notwithstanding making such application, no steps have been taken by the municipal authorities.
4. Ms. Dasgupta, learned advocate appearing for the KMC by placing before this Court a communication dated 10th February 2024 submits that the municipal authorities had called upon the petitioners to place before the municipal authorities a no outstanding certificate to process the petitioners' application for

mutation. Since, no response was filed thereto, the application remains unprocessed.

5. Heard the learned advocates appearing for the respective parties and considered the materials on record. I find that the petitioners are claiming interest of Thika tenants on the basis of a T.R. form no. 7 pertaining to payment of ad hoc ground rent for the period from 31st December 2013 to 1st January 2025.
6. Although, the petitioners would contend by placing before this Court a communication dated 29th July 2015 that the petitioners are Thika tenants in respect of premises no. 52/1A (P) Karl Marx Sarani, Kolkata – 700023 having an area of 6 cotthas of land, however, it is not clear whether any determination has been made by the Thika Controller under the provisions of West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 (hereinafter referred to as the “said Act”).
7. Having regard thereto and noting that the petitioners’ application before the municipality is pending, I direct the municipal authorities to process the petitioners’ application upon verifying the status of the petitioners from the office of the Thika Controller, Kolkata by ascertaining whether any determination under Section 5(3) of the said Act has been made.
8. This order should not be construed as a mandate on the municipality to record the name of the petitioners as Thika Tenants in respect of

aforesaid property. The recording of the petitioners' name would be dependent upon the decision of the Thika Controller under Section 5(3) of the said Act and subject to any other order passed by a Competent Court.

9. With the above direction and observation the writ petition is disposed of.
10. All parties shall act on the basis of server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)