

WPO/40/2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RAJIV SHAILENDRA KOTHARI
VERSUS
THE CUSTODIAN OF ENEMY PROPERTY FOR INDIA AND ORS.

BEFORE

The Hon'ble Justice AMRITA SINHA

Date: 28th January, 2025

APPEARANCE

Mr. Rajarshi Dutta, Advocate
Mr. Shaunak Mukhopadhyay, Advocate
Mr. Neelesh Choudhury, Advocate
Ms. Anuradha Poddar, Advocate
...for the petitioner.

Mr. Rabi Prosad Mookerjee, Advocate
Mr. Sukanta Ghosh, Advocate
Mr. Abhijit Banerjee, Advocate
Ms. Nabonila Karmakar Das, Advocate
...for the respondents 1 to 3

Mr. Sukanta Ghosh, Advocate
.....for the respondent

1. Affidavit of service filed in Court today be taken on record.
2. The petitioner is aggrieved by the communication made by the Assistant Custodian of Enemy Property on 17th October, 2024 intimating provisional revision of rent for enemy property at 4/1, Abanindranath Thakur Sarani, Kolkata - 700016.

3. According to the petitioner, the said revision has been made without granting opportunity of hearing to him. The rent has been revised manifold.
4. Learned Advocate representing the Custodian of Enemy Property submits that the petitioner is enjoying nearly 17,000 sq ft. area in the subject locality which fetches huge amount of rent. The rent ought to be revised long back. On account of non-revision of rent at proper time, the Custodian of Enemy Property has to pay huge amount of municipal tax in respect of the subject property to the Kolkata Municipal Corporation. The revision has been made strictly maintaining the standard operating procedure followed by the respondent authority.
5. Upon hearing the parties and on perusal of documents placed before this Court, it appears that prior to approaching this Court under Article 226 of the Constitution of India, the petitioner did not file any representation or notice demanding justice before the respondent authority highlighting his grievances. The petitioner rushed to the Court on 21st January, 2025 challenging the revision dated 17th October, 2024. The petitioner ought to have ventilated his grievances before the authority prior to invoking writ jurisdiction of the Court.
6. In view of the above, the instant writ petition is disposed of by observing that it will be open for the petitioner to file a comprehensive representation before the respondent no. 2 highlighting his grievances.

In the event such representation is made, the same shall be considered and disposed of by the respondent no. 2 in accordance with law after giving reasonable opportunity of hearing to the petitioner and any other necessary party by passing a reasoned order. Steps shall be taken in the matter at the earliest but positively within a period of six weeks from the date of filing the representation before the authority.

7. As the writ petition is being disposed of without calling for any affidavit, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
8. Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)

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