

OD-6

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/119/2025

MD. HAMMAD ANSARI

-vs-

THE MUNICIPAL COMMISSIONER AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 12th March, 2025

Appearance:

Mr. Rahul Karmakar, Adv.

Mr. Sounak Mukherjee, Adv.

Mr. Farah Anjum, Adv.

....for the petitioner

Mr. Sandipan Banerjee, Adv.

Mr. Swapan Kumar Debnath, Adv.

...for K.M.C.

Mr. Mihir Kundu, Adv.

...for the State.

Mr. Sakya Sen, Sr. Adv.

Mr. Shital Sonwar, Adv.

...for respondent nos. 4 to 9.

The Court:-It appears that the petitioner, as a tenant, seeks the revocation of the sanctioned plan concerning premises no.17B, Marquis Lane, Kolkata-700016, issued in favour of the landlords, respondents no. 4 to 9.

The learned advocate for the petitioner submits that respondents no. 4 to 9 lack valid title over the property in question, and therefore, the Corporation should not have granted any sanctioned plan in their favour.

The learned Advocate for the petitioner draws the Court's attention to paragraph 9(d) on page 81 of the writ petition, suggesting that the petitioner never submitted a "no objection" to the Corporation and that the sanctioned plan was obtained based on a forged document.

On the other hand, on behalf of the landlords, it is submitted that the sanctioned plan includes specific provisions for the relocation and rehabilitation of the petitioner in the building to be re-constructed.

I am of the view that the Corporation cannot revoke a sanctioned plan based on the allegations made in the petitioner's representation, as outlined at page 77 of the writ petition.

As previously noted, the petitioner is merely a tenant with respect to the property in question. The petitioner contends that a trust, namely Nistarini Ghosh Trust, is the owner of the property. Respondents no. 4 to 9, however, dispute this claim.

This Court is unable to identify any valid grounds for the petitioner to object to the issuance of the sanctioned plan. Therefore, the objection of the petitioner regarding the sanctioned plan is inconsequential.

The Nistarini Ghosh Trust does not appear to have any objection to the granting of the sanctioned plan. As a tenant, the petitioner cannot challenge the title of respondents no. 4 to 7 in this writ petition.

If a dispute regarding title exists, such matter must be resolved by the competent Civil Court.

Accordingly, WPO No. 119 of 2025 is dismissed.

(KAUSIK CHANDA, J.)