

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
WPO/209/2025
MD MANAUWAR KHAN
VS
THE MUNICIPAL COMMISSIONER THE KOLKATA MUNICIPAL CORPORATION
AND ORS.

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date: 22nd May, 2025.

Appearance:
Mr. Harsh Tiwari, Adv.
Mr. Hamidul Haque, Adv.
...for petitioner
Mr. Partha Sarathi Bose, Adv.
Mr. Sumitava Chakraborty, Adv.
...for respondents 5 to 19
Mr. Gopal Chandra Das, Adv.
Ms. P. Bandhopadhyaya, Adv.
...for K.M.C.

The Court:- The petitioner has preferred the present writ petition, being aggrieved by the alleged inaction on the part of the respondent authorities in not passing the final order qua the proceedings initiated by the respondents, at the instance of the petitioner, pertain to the cancellation of mutation entries made in favour of private respondent nos. 5 to 19, in respect of premises No. 38 and 38/1A, Ustad Enayat Khan Avenue, under Ward No. 64, Borough VII, Kolkata.

It is the case of the petitioner that he is co-owner of the premises in question. However, at once stage, the learned Counsel for the petitioner

submits that he is the sole owner of the premises in question. It is the contention of the petitioner that the KMC, without affording him due consideration proceeded to mutate the property in favour of respondent nos. 5 to 10. Aggrieved thereby, the petitioner submitted a representation challenging the said mutation. Pursuant to his representation, hearings were conducted by the respondent corporation on 12.11.2022 and 01.12.2022. However, no final decision has been rendered till date.

Learned counsel for the private respondents refutes the said allegation made by the petitioner and submits that the ownership of the property in question is sub-judice in multiple civil proceedings, presently pending before the appropriate civil forum.

Learned counsel for the respondent-municipality confirms that hearings were indeed conducted on the dates mentioned by the petitioner. However, it is submitted that the final order in the matter is yet to be issued. Nevertheless, counsel undertakes that the final order in accordance with the proceedings held on 12.11.2022 and 01.12.2022, shall be passed within a period of eight weeks.

In the light of the above assurance extended by the respondent-KMC, this Court deems it appropriate to dispose of the present writ petition with a direction to the respondent corporation to pass a reasoned order, strictly in accordance with law within a period of eight weeks from the date of this order.

Affidavit of service is taken on record.

This Court refrains from expressing any opinion on the merits of the civil disputes pending between the parties. It is clarified that any observation made herein shall not prejudice the adjudication in the said civil suits.

With the above direction the present writ petition is disposed of.

(GAURANG KANTH, J.)

GH.