

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/388/2025

PROSENJIT DUTT AND ANR.
VS
KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
THE HON'BLE JUSTICE GAURANG KANTH
Date : August 7, 2025.

Appearance:

Mr. Arabinda Chatterjee, Sr. Adv.
Ms. Kakali Dutta, Adv.
...for the petitioners

Ms. Swapan Kumar Debnath, Adv.
Ms. Piyali Sengupta, Adv.
...for K.M.C

The Court : The petitioners have preferred the writ petition seeking a direction upon the respondent Corporation to rectify and/or amend the assessment register in respect of the property situated at 57/6A, B.T. Road, P.S. – Sinthee, Kolkata by recording the petitioners' name as the owner thereof and carry out the mutation in his favour.

The case of the petitioners is that they inherited the said property from their ancestors. During their lifetime, the petitioners' father had granted lease in favour of one Baijanath Srimali (father of respondent no.6) for a period of 20 years. The said lease was terminated in the year 1980 whereupon the property was peacefully handed over to the petitioner's mother. The petitioner states that physical possession of the property continued to remain with him.

The petitioners subsequently came to know that, notwithstanding the return of possession, said Baijanath Srimali submitted return in Form 'A' and deposited the ad hoc rent and also initiated proceeding being Misc Case No.41/2016 under the West Bengal Thika Tenancy Acquisition and Requisition Act, 2001 which is presently pending adjudication.

It is the specific case of the petitioners that the said property does not fall within the definition of Thika Tenancy. Being aggrieved by such erroneous entries the petitioners submitted representation dated 4th March, 2025 to the respondent Corporation, seeking necessary correction. However, no action has been taken till date on their representation.

Learned Counsel for the respondent Corporation submits that the authorities are ready and willing to consider the petitioners' representation dated 4th March, 2025.

Learned Counsel for the petitioners states that the petitioners shall be satisfied if the same is considered in a time bound manner.

In view of the submission made by the Counsel for the parties, this Court directs the respondent no.2 to decide the petitioners' representation dated 4th March, 2025 within a period of six weeks from the date of communication of this order, strictly in accordance with law, by affording an opportunity of hearing to the petitioner and any private respondent or any authorized representative and dispose of the matter by way of a speaking order.

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

Since no affidavits have been exchanged, the allegations and contentions made in the petition are deemed not to have been admitted by the parties.

(GAURANG KANTH, J.)

RS