

OD-6

WPO/486/2025
THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

FARZANA LATIF & ORS.
Versus
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :

The Hon'ble JUSTICE RAJA BASU CHOWDHURY
Date: 1st December, 2025

Appearance:
Mr. Anirban Kar, Adv.
Mr. Munshi Ashiq Elahi, Adv.
... for the petitioners

Mr. Alak Kr. Ghosh, Adv.
Ms. Piyali Sengupta, Adv.
... for the KMC

Ms. Tapati Samanta, Adv.
... for the State

The Court : 1. As noted earlier, the writ petition is confined to shop room no. N2-014, situated at S. S. Hogg Market (New Market), Kolkata-700 087. According to the petitioners, Parvez Latif, Kaiser Latif, Farzana Latif and Shabnam Latif had been running a tailoring shop from shop room no. N2-014 under the name and style of R.S. CHIBA & N.S. CHIBA, a ladies tailoring shop.

2. According to the petitioners, Parvez Latif had died leaving behind the persons identified in paragraph 8 of the writ petition. There appears to be some dispute in relation to the aforesaid shop room with the private respondents and

a partition suit is pending in relation thereto before the Learned 6th Court, City Civil Court at Calcutta, being Title Suit No. 717 of 2023.

3. According to the petitioners, since an eviction notice was issued on the petitioners by the Municipal authorities, in respect of the two other shop rooms being Nos. N2-069 and N2-086, which are situated on the second floor of Hogg Market, Kolkata and also formed subject matter of the suit, a writ petition was filed before this Court, which was registered as WPO No. 528 of 2024. It is in relation to such proceedings that the Municipality undertook not to take steps to proceed against the petitioners without taking due process of law.

4. Notwithstanding the aforesaid, according to the petitioners, the Municipal authorities have forcibly taken over possession of the shop room being No. N2-014, forming subject matter of this petition, on 25th February, 2025 at around 7.00 p.m.

5. Pursuant to the order dated 6th November, 2025, Mr. Ghosh, learned senior Advocate representing the Municipality has apprised this Court that the shop room in question being Stall No. N2-014 Block-2, North, S.S. Hogg Market, has not been taken possession of by the Municipal authorities. He would, however, submit that the petitioners have not paid the lease rentals and no steps have also been taken to renew such lease which has long expired.

6. Having regard to the submission made by the Learned advocate for the Municipality in Court and also noting the materials on record, I am of the view that no fruitful purpose be served in keeping the writ petition pending.

7. Since the Municipality has not claimed any responsibility for putting the padlock on the petitioners' shop room, which form subject matter of this it shall be open to the petitioners to take such appropriate steps as may be advised for removal of the padlock from their shop room, subject to any other previous order/orders.

8. The aforesaid order shall, however, not interfere with the rights of the Municipality to seek eviction of the petitioners in accordance with law.

9. This order shall also not entitle the petitioners to retain in possession of the property, if the petitioners are otherwise not entitled to retain the same.

10. With the above observations, the writ petition is disposed of.

11. Since no other issues survive in the present writ petition, the writ petition is accordingly disposed of.

12. There shall, however, be no order as to costs.

(RAJA BASU CHOWDHURY, J.)