

OD-3

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/535/2025

AFSER KHAN AND ORS.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE

The Hon'ble Justice RAJA BASU CHOWDHURY

Date: 25th November, 2025

APPEARANCE

Ms. Manisha Nath, Adv.
Ms. Sonali Sengupta, Adv.
.....for the petitioner

Mr. Alak Kumar Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for the KMC

1. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to allow the petitioners' application for mutation and separation of 5 cottah of bastu land in Dag no.585 and 691 purchased by the petitioners under Deed of Conveyance dated 27.04.1989 situated at premises no.36, Topsia Road, Kolkata – 700039.

2. Ms. Nath, learned Advocate for the petitioners would, however, submit that the consideration of the above application is dependent upon issuance of a no objection certificate from the Director General of Environment & Heritage Department for which an appropriate application has been filed. By drawing attention of this Court to page 26 of the writ petition, she would further submit that though the application has been received by the office of the Director General (E & H) on 14th October, 2022, no steps have been taken in furtherance thereof.

3. Mr. Ghosh, learned Advocate appears on behalf of the municipal authorities.

4. Having heard learned Advocates appearing for the respective parties, I am of the view that the writ petition can be disposed of by directing the respondent no.3 to take a decision on the petitioners' representation as expeditiously as possible, without expressing any opinion at this stage on the other reliefs sought for.

5. It is made clear that this Court has not gone into the merit of the case and respondent no.3 shall decide the representation on the merits of the petitioners' application without being influenced by any of the observations made herein.

6. If necessary, respondent no.3 may refer the case to the water body management as highlighted by Mr. Ghosh in course of his submission.

7. The writ petition thus stands disposed of.

(RAJA BASU CHOWDHURY, J.)