

18
17.06.2026
S.D.
Ct. No. 37
Bench Id
266046

RVW 22 of 2026
Gobinda Das alias Gobinda Chandra Das & Ors.
Vs.
Sri Santosh Agarwal & Ors.
With
CAN 1 of 2026
CAN 2 of 2026
in
WPLRT 81 of 2024

Mr. Tapas Kumar Sinha
....For the petitioners

Mr. Supratim Dhar, Sr. Adv.,
Mr. Dhananjay Nayak
...For the respondent

Mr. Nilotpall Chatterjee
Mr. Sumon Basu
...For the KMC

Review applicant seeks review of the judgment and order dated April 24, 2025. By the judgment and order under review, we held that there was a pucca structure lying and situated at Premises No. 14/6, Turf Road, Kolkata – 700025 and admittedly so.

It is contended on behalf of the review applicant that we misapplied the ratio of the

Coordinate Bench reported in **(2014) 2 Cal LT 498 (Amit Basu vs. The Controller & Ors.)**. In the facts of that case, there were pucca structures therefore taking the premises out of the purview of the thika tenancy laws.

We noted in our judgment and order under review that in the event there is even one pucca structure in an immovable property, the same will take the immovable property concerned out of the purview of the thika tenancy regime.

The Court is informed that a Special Leave Petition was carried out against the judgment and order which was dismissed by permitting the review applicant to approach the High Court for review.

Admitted position is that there is a pucca structure at the premises concerned. Admission recorded in the judgment and order under review is not claimed to be erroneous. It is trite law that if there exists a pucca structure then such premises cannot fall within the purview of the thika tenancy laws. Factum of existence of a pucca structure is not denied.

No ground for review stands made out. A review applicant is required to make out a case for review. Appropriate grounds for review must exist for the Court to review its judgment and order.

R.V.W. 22 of 2026 and the connected applications being **CAN 1 of 2026** and **CAN 2 of 2026** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)