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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14165 of 2024

Amra Sabai
Versus
Kolkata Municipal Corporation & Ors.

Mr. Kuldeep Mallick
Mr. A. K. Upadhyay
Mr. R. K. Panday
Mr. A. Shikdar
Ms. Sushmita Ghosh
Ms. Salini Dey

... For the petitioner.

Mr. Srijan Nayak
Mr. Rituparna Maitra

...For Kolkata Municipal Corporation.

Mr. Chayan Gupta
Mr. Jishnujit Roy
Ms. Deveshi Bosu
Ms. Arpita Dey

... For the private respondent.

1. The writ petitioner by the present writ petition seeks to not only challenge the mutation effected by the Kolkata Municipal Corporation in favour of the respondent No. 5 but also the sanctioned building plan dated 9th April, 2018 issued in favour of the respondent No. 5. In response to a query from the Court, Mr. Mallick, learned advocate representing the petitioner would candidly submit that in the writ petition, the petitioner has not disclosed its title deed. The petitioner would, however, submit that the

challenge in the present petition is based on an order passed by the West Bengal Land Reforms and Tenancy Tribunal dated 3rd September, 2010 in OA 264 of 2010. According to him, the tribunal had set aside and/or quashed the letter dated 27th January, 2010 issued by the Assistant Secretary, Government of West Bengal as also set aside the order of the concerned revenue officer concerning the plots of land forming the subject matter in the proceedings No. 32 of 1992 and 1 of 2006 registered under Section 14T(3) and 14T(3A) respectively, of the West Bengal Land Reforms Act, 1955. The respondents were accordingly directed to take steps and handover possession of the land to the applicant therein immediately, preferably within a period of 3 months.

2. Records reveal that challenging the aforesaid order, a writ petition was filed by the State before the Division Bench of this Court which was registered as WBLRT No. 164 of 2010. By an interim order dated 11th January, 2011, the Division Bench of this Court on being prima facie satisfied with the case made out by the State had admitted the writ petition with further direction that no further steps shall be taken by both the parties in respect of the order already passed by the Tribunal. The stay was obviously confined to the order passed by the Tribunal. The petitioner

though has not made any averment in the present petition as regards its title deed, however, in a separate writ petition which was taken up for consideration by this Court on 12th May, 2026 and registered as WPA 10087 of 2026, which was for a direction upon municipal authority to forthwith cause an inspection of the property of the respondent No. 5 and to quash the certificate of completion already issued in respect of the towers Nos. 1, 2, 6 and 7, the petitioner had disclosed its title deed. A perusal of the title deed would demonstrate that the petitioner had acquired 1% interest in the share of the owner who has been described in the title deed as Mr. Arindam Roy. The title deed appears to have been executed on 19th April, 2024. The said title deed does not out trace the title of Mr. Arindam Roy, the petitioner's vendor. It is, therefore, not clear how the petitioner acquired interest in the plots. There is also another aspect of the matter. The petitioner strangely claims to have acquired only 1% interest. In this context, it would be profitable to reproduce the schedule "A" and "B" of the title deed.

THE SCHEDULE "A" ABOVE REFERRED TO:

ALL THAT UN-ASSESSED Land Area of 10.04 Bighas out of 30.12 bighas more or less under Mouza - Madurdaha, Touzi No. 2998, J.L. No. 12, R.S. Dag Nos. 345 under R.S. Khatian No. 196 within Police Station : Anandapur under The Kolkata Municipal Corporation **Ward:108, Road Name - Hossenpur.**

THE SCHEDULE "B" ABOVE REFERRED TO :

✓ ALL THAT 1% of Share of 10 % Share UN-ASSESSED Land Area of 10.04 Bighas out of 30.12 bighas more or less 144 Sq.ft. under Mouza - Madurdaha, Touzi No. 2998, J.L. No.12, R.S. Dag Nos. 345 under R.S. Khatian No. 195 in Mouja - Madurdaha within Police Station - Tiljala measuring around 144 Sq.Ft. residential of undivided Land along with 100 Sq.ft. Tiles shed structure standing thereon in Dag R.S.345 under R.S. Khatian No.196 within P.S.: Anandapore, Ward 108 of The Kolkata Municipal Corporation Road Name: Hossenpur.

3. It would thus, transpire from the aforesaid document that the memo of consideration is only Rs. 2,00,000/- though the query disclosed thereto would demonstrate that the market value of the property indicated therein was around to Rs. 4,50,001/-. Although, the learned advocate for the petitioner by placing the order passed by the Division Bench has attempted to make out a case that the entire steps taken by the State is bad in law, however, on a perusal of the documents annexed to the writ petition and, from the statements made in the writ petition and the disclosure made by the petitioner in the previous writ petition being WPA 10087 of 2006 and the title deed annexed thereto, it is not clear how the

said Arindam Roy had acquired 10% interest in the said property for him to transfer 1% thereof to the petitioner.

4. The municipality is represented and has placed before this Court a report dated 11th July, 2024 issued by the Executive Engineer (C) Building, Borough-XII. From the aforesaid report, it would transpire that the initial building permit was issued in the year 2010. Obviously, even before the order passed by the Division Bench, the building permit was issued. The order of the Hon'ble Division Bench did not in my view interfere with the rights of the respondent No. 5 to carry out construction in terms of the sanctioned building plan already issued by the KMC. The said order also did not interfere with the rights of the municipality or the respondent No. 5 to ensure compliance of the sanctioned building plan on its execution.
5. Going by the materials on record, it does not appear that there is any irregularity. The petitioner only claims to have acquired 1% out of 10% interest in certain plots of land which the petitioner has also failed to connect with the property of the respondent No. 5 on the basis of the disclosure made in the petition as also in the previous petition. There appears to be disputed

question of facts as well. The petition thus, appears to be speculative.

6. This apart, there appears to be no explanation for the inordinate delay in approaching this Court. In the aforesaid premise, this Court is also not inclined to entertain the writ petition.
7. Accordingly, the writ petition is dismissed with costs of Rs. 20,000/- to be paid by the petitioner to the respondents.

(Raja Basu Chowdhury, J.)