

OD-17

WPO/237/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/s. A. Mullick & Sons
Versus
The Kolkata Municipal Corporation & Ors.

Before:
The Hon'ble Justice RAJA BASU CHOWDHURY
Date: 17th March 2026

Appearance:
Mr. Krishna Das Poddar, Advocate
Ms. Mandira Barman, Advocate
for the petitioner

Ms. Priyanka Sen, Advocate
for the KMC

The Court: 1. The petitioner claims to be a partner of M/s. A. Mullick & Sons. According to the case made out in the petition, the petitioner was running a cycle repairing shop under the name and style of M/s. A Mullick & Sons situated on the ground floor of the premises no.10, Bentinck Street, Kolkata – 700001 on rental basis. The petitioner had subsequently suffered a decree. The petitioner had preferred an appeal from the order of eviction but could not get the said order of eviction set aside. Against the aforesaid appellate order the petitioner had filed a second appeal which came to be numbered as SA 57 of 2024. Such second appeal came to be dismissed by a judgment and decree dated 5th February 2025.

2. Notwithstanding the aforesaid, the present writ petition has been filed complaining that by reason of non-issuance of exact role of trade license register in their records against all the ground floor entities including the private respondents the petitioner has suffered immensely.

3. Pursuant to an order dated 26th June 2025 the municipal authority has filed a report in Court today, which is taken on record. From the aforesaid report dated 21st July 2025 it would be apparent and clear that the municipality had conducted an inspection at premises no. 10, Bentinck Street, Kolkata 700001 on 10th July 2025 and had been able to identify the license holders. Upon going through the above document it does not appear that the presence of the petitioner is noted in the above disclosure.

4. Having heard the advocates for the parties and having regard to the above, it transpires that the petitioner with an object to fish out evidence has filed the writ petition. Admittedly, the petitioner has no right to continue in possession of the property especially when a decree for eviction had not only been passed by a Court of competent jurisdiction, but an appeal from the same had also been turned down and on a second appeal which was registered as SA 57 of 2024 the Division Bench of this Court had refused to interfere and had dismissed the same.

5. Having regard to the above, I am of the view that the aforesaid petition deserves to be dismissed. The petitioner shall not be permitted to rely on the disclosure made by the municipality in Court in any collateral proceedings.

6. The writ petition, thus, stands dismissed.

(RAJA BASU CHOWDHURY, J.)