

**01.12.2025**  
**sayandeep**  
**Sl. No. 36**  
**ML**  
**Ct. No. 03**

**WPA 2390 of 2024**  
**With**  
**CAN 1 of 2024**

**Manmohan Mukherjee & ors.**  
**Vs.**  
**KMC & ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. adv.  
Mr. Golam Karim Chowdhury  
Mr. Md. Asfak Alam

..... for the petitioner

Mr. Sumit Kumar Ray  
Mr. Munshi Ashiq Elahi  
Mr. Rohit Mahato

.... For the applicant

Ms. Piyali Sengupta  
Ms. Paushali Banerjee

..... for the KMC

Md. Salahuddin  
Md. Ahsanuzzaman  
Md. Raziuddin

.... For the respondent Nos. 5 & 6

1. The petitioners claim to be owners on respect of the premises No. 41/1A, 41/1B, 41/1C, Nazir Lane, Ward No. 76, Kolkata 700023. The petitioners claim that the aforesaid property was purchased from one Smt. Rajlakshmi Dasi in an auction sale proceeding held pursuant to the order dated 13<sup>th</sup> June, 2021 passed by the Court of the 1<sup>st</sup> Munsif at Alipore on 5<sup>th</sup> February, 1936. According to the petitioners, petitioners have made a representation before the assessor collector, South KMC requesting the said

authority not to alter the recording of ownership in respect of the property and not to permit third parties from changing the nature and character of the property. A connected application had also been filed by the two individuals who claim to be recorded mutawallis of Golam Akbor Saudagar waqf estate under EC No. 887 vide resolution dated 17<sup>th</sup> July, 2023. According to such applicants, the aforesaid property is a Waqf property.

2. At this stage, however, this Court is not inclined to consider the application since, the municipality is yet to disclose whether the property in question is registered in the name of the petitioners. Accordingly, Ms. Sengupta, learned advocate representing the KMC prays for an accommodation.
3. The learned advocate representing the Waqf Board would, however, submit that this matter ought not to be heard by this Court, having regard to the provisions contained in Section 83 of the WAqf Act, 1995. This Court should reframe from deciding on the instant case. I, however, find that the matter does not deal with the determination of any dispute or question in relation to a Waqf estate but deals with the right of the petitioners to maintain themselves as recorded owners in respect of a property in question. At this stage, the municipal authorities are yet to enlighten this Court as to the exact state of affairs prevailing.

4. Accordingly while rejecting the contention of Waqf Board, the matter is taken up for consideration.
5. List this matter on 3<sup>rd</sup> December, 2025.

**(Raja Basu Chowdhury, J.)**