

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

AOT/1/2026  
THE OFFICIAL TRUSTEE OF WEST BENGAL  
VS  
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 18<sup>th</sup> February, 2026.

Appearance:

Mr. Indranil Nandi, Adv.

Mr. Sayak Konar, Adv.

.. . for the petitioner.

Mr. Nilotpal Chatterjee, Adv.

Ms. Manisha Nath, Adv.

. . . for KMC.

The Court:- In terms of the order dated 21<sup>st</sup> January, 2026 a survey was conducted at the precincts of Agiary Fire Temple essentially to find out the extent of area belonging to the said fire temple. A preliminary report dated 17<sup>th</sup> February, 2026 filed by the Administrator General and Official Trustee, West Bengal in Court today is taken on record. Kolkata Municipal Corporation (in short 'KMC') is represented by Mr. Nilotpal Chatterjee, learned Advocate instructed by Mr. Swapan Kumar Debnath, Advocate. The State, however, remains unrepresented.

Although, on behalf of some alleged stall holders' submission was sought to be made through a learned Advocate but at this stage the Court does not require the assistance from such alleged stall holders before ascertaining their nature, character, right and equities.

On a perusal of the report it appears that 91 stall holders have approached the representatives of the Official Trustee, West Bengal, the police personnel and KMC personnel at the time of survey which took place between 13<sup>th</sup> January, 2026 and 21<sup>st</sup> January, 2026. As per the report it appears that the 91 stall holders who have contacted the survey team could not produce any document showing their rights to occupy a portion of the land belonging to the Agiary Fire Temple. The report also reveals that 10 shop keepers and/or occupiers at 19, 20 and 21, Parsee Church Street, Kolkata – 700 001 and 9 shop keepers at 20, 21, 22, 23, 25, 26, 27 and 31, Ezra Street are still carrying on business in the surroundings of the said Agiary Fire Temple. The said 19 shopkeepers have refused to cooperate with the survey team and declined to produce any document.

Kolkata Municipal Corporation is directed to file a report on the next date stating which of the 91 stalls said have been gutted by fire and which of the 19 (10+9) shop keepers at 19, 20 and 21, Parsee Church Street, Kolkata – 700 001 and at 20, 21, 22, 23, 25, 26, 27 and 31, Ezra Street holds a trade licence (certificate of enlistment), if so, in whose name, in respect of which premises and for what products. The KMC in their report shall also state as to when the trade licence was given for the first time and

on basis of what documents submitted for availing such trade licence. The report shall be filed by a senior officer of the concerned department of the KMC with supporting details. The Commissioner, KMC shall see that the report is prepared as directed and file before the Court on the next date.

It appears from the documents annexed to the preliminary report filed on behalf of the Official Trustee that notice and copy of the order dated 21<sup>st</sup> January, 2026 was served on Monotona Marketing Private Limited and Suresh Kumar Daga. Despite service, the said Monotona Marketing Private Limited or Suresh Kumar Daga has not put in the fund of Rs.30 lakhs as directed by the Division Bench in the order dated 17<sup>th</sup> January, 2025 and reiterated in the order dated 21<sup>st</sup> January, 2026.

The Commissioner of Police, Kolkata shall ensure that the directors of Monotona Marketing Private Limited and Suresh Kumar Daga are present before the Court on the next date.

Let this matter appear on 18<sup>th</sup> March, 2026.

The department is directed to communicate this order to the Commissioner of Police, Kolkata and the Commissioner of Kolkata Municipal Corporation.

(ARINDAM MUKHERJEE, J.)