

OD-5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/256/2025

MANI SQUARE LIMITED AND ANOTHER
-VS-
THE KOLKATA MUNICIPAL CORPORATION AND ANOTHER

BEFORE:
THE HON'BLE JUSTICE GAURANG KANTH
Date : July 3, 2025.

Appearance:

Mr. Jaydip Kar, Sr. Adv.
Mr. Arindam Banerjee, Sr. Adv.
Mr. Pranit Bag, Adv.
Ms. Rituparna Chatterjee, Adv.
Ms. Khushboo Choudhary, Adv.
Ms. Amani Kayan, Adv.
Ms. Sadia Sultana, Adv.
... for the petitioners

Mr. Biswajit Mukherjee, Adv.
Ms. Manisha Nath, Adv.
... for the KMC

Mr. Soumabho Ghose, Adv.
Mr. Pushan Kar, Adv.
Mr. Sagnik Majumdar, Adv.
Mr. Aurin Chakraborty, Adv.
Ms. Shreya Ghosh, Adv.
... for the intervenor

The Court : The petitioners have filed the present writ petition, being aggrieved by the inaction of the respondent in failing to reinstate the petitioners as the sole owners of premises No. 195, Picnic Garden Road, Kolkata, and in failing to rectify the description of the said property in the municipal records

The case of the petitioners is that they are the absolute owners of the premises in question. The erstwhile owner had granted a 20-year lease of the said premises to M/s. Kumar Industries by way of a registered lease deed dated 15.12.1973. Subsequently, by an order dated 27.01.2010 passed by the Thika Controller, Kolkata, M/s. Kumar Industries was declared to be Thika Tenants under the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001, and was permitted to deposit rent with the Thika Controller. Based on this order, M/s. Kumar Industries got the property recorded in their name as Thika Tenants, and the description of the property was altered to T-195, Picnic Garden Road, Kolkata, indicating its status as Thika Tenancy Land.

The petitioners challenged the said order dated 27.01.2010 before this Court, and the Hon'ble Division Bench, by an order dated 10.03.2014, held that the land in question does not qualify as Thika Tenancy. The said order was appealed before the Hon'ble Supreme Court, which, by its judgment dated 27.07.2022, held that M/s. Kumar Industries were not Thika Tenants in respect of the said premises and dismissed their claim. Both the review petition and the curative petition filed against the said judgment were also dismissed.

Thereafter, the petitioners, by representations dated 19.06.2023 and 30.12.2024, requested the Municipal Corporation to amend the municipal records by recording the petitioners as the absolute owners and to rectify the description of the property, which no longer qualifies as

Thika Tenancy Land. However, till date, the respondent has not acted upon the said representations.

Learned counsel for the respondent Corporation seeks, and is granted, three weeks' time to file its affidavit in opposition. Reply thereto, if any, may be filed within one week thereafter

List after four weeks.

(GAURANG KANTH, J.)

RS