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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/208/2026

C AND J PROPERTIES PVT. LTD. & ORS.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ANR.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 30th June, 2026

Appearance:
Mr. Arindam Banerjee, Sr. Adv. (VC)
Mr. Tapajit Das, Adv.
Ms. Anamika Bari, Adv.
...for the petitioners
Mr. Biswajit Mukherjee, Advocate
Ms. Piyali Sengupta, Advocate
for the KMC
Mr. Sarosij Dasgupta, Advocate
Mr. Sitikanta Mitra, Advocate
Mr. Keshav Dharuka, Advocate
for the respondent nos.8 to 11

1. The instant writ petition has been filed, inter alia, seeking for quashing of the mutation effected in favour of the Respondent Nos. 8 to 10 vide order dated 10th March, 2026 by the Deputy Assessor-Collector (South) Assessment Collection Department, Kolkata Municipal Corporation. It is the petitioners' case that the petitioners are the owners of the municipal premises no.18/1A, Dr. U. N. Brahmachari Street, Kolkata – 700 017 ad measuring 10 cottahs 15 chhitaks 24 square feet and a residential structure standing thereon together with an undivided equal half share or interest in a portion of the land attached to the said property ad measuring 1 cottah 3 chhitaks 36 square feet along with common passage which is part of the original premises no.18, Dr. U. N. Brahmachari Street, Kolkata ad measuring 3 cottahs 5 chhitaks 36 square feet. According to the petitioners, the petitioners acquired ownership in respect of the aforesaid premises by 12 several registered indentures of conveyance, all dated 31st March, 1990, executed by the erstwhile vendor and consequent thereupon, the petitioners had mutated their names as



owners in respect of the said premises. The said premises has since been amalgamated with the adjoining premises, to be now known as premises no.7A, Short Street, Kolkata – 700 017. The petitioners contend that to the north of the petitioners' premises, there is a property containing a piece and parcel of land ad measuring 10 cottahs 15 chhitaks 16 square feet more or less being municipal premises no.18/1B, Dr. U N Brahmachari Street, Kolkata along with two storeyed building standing thereon or part thereof which has been recently conveyed in favour of the respondent nos.8, 9 and 10 (hereinafter referred to as 'the adjacent premises'). Though the petitioners' uninterrupted right of user of the common passage was meant for egress and ingress to the petitioner's property, in the month of September and October 2025, the petitioners' representative noticed that goods and articles from the respondent's premises were being removed. On enquiry, the petitioners' representative came to learn that premises no.18/1B, Dr. U. N. Brahmachari Street, Kolkata – 700 017 has been sold by the erstwhile vendors to the respondent nos.8 to 10 by registered deed of conveyance dated 19th May, 2025. The dispute had arisen when the respondent nos. 8 to 10 had obtained mutation of the property. According to the petitioners, the conveyance whereby the respondent nos.8 to 10 had acquired interest depicted, the common passage as part and parcel of the property which was conveyed unto and in favour of the respondent nos.8 to 10 and on the strength thereof, the municipality had mutated the records. According to the petitioners, the common passage under no circumstances could have been exclusively dealt with by the erstwhile owners as the petitioners already had an interest therein. A title suit is pending between the parties.



2. When the matter came up for consideration before this Court challenging the order issued by the Hearing Officer, the learned senior Advocates for their parties had submitted that the disputes can be amicably resolved. Such fact is recorded in the order dated 11th June, 2026.
3. Mr. Dasgupta, the learned Advocate for the respondent nos.8 to 10 on the basis of an instruction dated 22nd June, 2026, which has been placed before this Court and is taken on record, would submit that the said respondents have acquired interest in the said adjacent property being premises no.18/1B, Dr. U. N. Brahmachari Street, Kolkata – 700 017, absolutely along with all vested rights and interest in respect of the strip of land which the petitioners claim to be a common passage and keeping, in view the fact that the common passage is presently exclusively owned and possessed by the owners of premises nos.18/1A, Dr. U. N. Brahmachari Street, Kolkata – 700 017 and 18/1B, Dr. U. N. Brahmachari Street, Kolkata – 700 017 being the plaintiffs and the defendant nos.1, 2 and 3 in civil suit number CS/127/2025, currently pending before this Hon'ble Court, the same can be declared as such. Mr. Dasgupta, learned Advocate representing the respondent nos.8 to 10 would further submit that the term 'exclusive' in the conveyance is meant to identify and is for the exclusive users of the aforesaid two premises and for no other person.
4. Since, on the submissions made by the respondent nos.8 to 10, it is apparent and clear that the passage is a common passage meant for the common and exclusive user of both the aforesaid premises only, the term 'exclusive' appears to have been used to mean and include owners of both the premises. As such, in my view nothing survives in the writ petition for adjudication.



5. The municipality is, accordingly, on the basis of the aforesaid observations made hereinabove, is directed to treat the passage in between the two premises as a common passage exclusively meant for the concern user of both the premises and accordingly, amend the municipal records.
6. The aforesaid direction is being issued to remove all future difficulties.
7. The writ petition is thus disposed of.

(RAJA BASU CHOWDHURY, J.)

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