

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**CC/69/2017
JHARNA MAULIK & ORS
VS
KHALIL AHMED & ANR.**

AND

**IA NO. GA/1/2026
In WPO/254/2017
JHARNA MAULIK & ORS
Vs
KOLKATA MUNICIPAL CORPORATION & ORS.**

For the Plaintiff : Mr. Pranay Mukherjee, Adv.
Mr. Pourush Bandopadhyay, Adv.

Judgment on : 13.08.2026

Ananya Bandyopadhyay, J.:-

1. The Court is called upon to consider the present application seeking release of the amount deposited by the Kolkata Municipal Corporation with the Registrar, Original Side, pursuant to the orders passed in the earlier proceedings, together with the interest accrued thereon.
2. The antecedent facts have been set out in the application and need not be recapitulated at length. Suffice it to record that the dispute concerning the property in question culminated in the order dated 18th December, 2018 passed by the Division Bench of this Court, whereby, upon the parties having settled their disputes, liberty was granted for registration of the deeds of conveyance and consequential directions were issued concerning the amount deposited by the Municipal Authorities with the

Registrar, Original Side. By the subsequent order dated 2nd May, 2022, appropriate directions were issued for inspection, demarcation and execution of the deeds of conveyance.

3. The materials placed before this Court disclose that the requisite formalities have since been completed. The deed of conveyance has been executed and the consideration payable to the landowners/legal heirs has been specifically recorded therein. The deed, the genealogical chart, the death certificates and the powers of attorney placed on record sufficiently delineate the succession to the estate of late Durga Das Bhattacharjee and the respective shares of the persons presently entitled thereto.
4. The succession has been worked out with reference to Section 8 of the Hindu Succession Act, 1956 read with the Schedule thereto. The original estate of late Durga Das Bhattacharjee devolved upon his five Class I heirs in equal shares of 20 per cent each. Upon the subsequent demise of some of those heirs, their respective shares devolved upon their successors in accordance with law. The resultant distribution has been set out in the genealogical chart forming part of the application. The chart identifies the present beneficiaries and specifies their respective shares as 20%, 20%, 10%, 10%, 10%, 10%, 10%, 5% and 5%, aggregating to 100% of the consideration payable to the beneficiaries.
5. The financial position is equally capable of precise ascertainment. The principal amount deposited by the Kolkata Municipal Corporation is **Rs.1,50,00,000/-**. The Registrar has reported accrued interest of **Rs.97,41,575.48/-**, making the aggregate amount lying with the Registry **Rs.2,47,41,575.48/-**.

6. The registered deed of conveyance records consideration of **Rs.1,06,45,200/-** payable to the landowners/legal heirs. The balance principal amount of **Rs.43,54,800/-** is consequently refundable to the Kolkata Municipal Corporation.
7. The distribution of interest proposed in the chart proceeds upon the same proportion as the principal entitlement. Thus, 70.968% of the accrued interest, amounting to **Rs.69,13,401.29/-**, is attributable to the beneficiaries, whereas 29.032%, amounting to **Rs.28,28,174.19/-**, is attributable to the Kolkata Municipal Corporation. The aggregate amount payable to the beneficiaries consequently works out to **Rs.1,75,58,601.29/-**, while the amount refundable to the Kolkata Municipal Corporation works out to **Rs.71,82,974.19/-**.
8. The arithmetic admits of no ambiguity. The two amounts together constitute the entire sum of **Rs.2,47,41,575.48/-** lying with the Registry. The distribution also faithfully reflects the proportion in which the principal amount is payable and refundable.
9. The continued retention of the entire deposit, after completion of the conveyance and ascertainment of the respective entitlements, would serve no legitimate purpose. The amount deposited with the Registry is required to follow the adjudicated and documented entitlement of the parties. At the same time, the portion of the deposit which, by the very terms of the transaction and the computation placed before the Court, is refundable to the Municipal Corporation must be restored to it.
10. Accordingly, the application is **allowed**.

11. The **Registrar, Original Side, High Court at Calcutta**, is directed to release, out of the amount lying deposited with the Registry pursuant to the earlier orders of this Court:

i) **Rs.1,75,58,601.29/-**, comprising principal of **Rs.1,06,45,200/-** and proportionate accrued interest of **Rs.69,13,401.29/-**, in favour of the beneficiaries in the respective proportions set out in the distribution chart annexed to the application, namely:

- **Kalpana Chatterjee — 20%;**
- **Ratna Ray — 20%;**
- **Apurba Maulik — 10%;**
- **Anindita Chatterjee — 10%;**
- **Chandril Chatterjee — 10%;**
- **Paramita Bhattacharjee — 10%;**
- **Sanjukta Bhattacharjee — 10%;**
- **Savita Tapan Maulik — 5%;**
- **Abhishek Tapan Maulik — 5%.**

The aforesaid release shall be effected in accordance with the respective entitlements reflected in the chart and, wherever applicable, through the constituted attorneys whose powers of attorney have been placed on record.

ii) The remaining sum of **Rs.71,82,974.19/-** comprising **Rs.43,54,800/- towards principal** and **Rs.28,28,174.19/- towards proportionate accrued interest**, shall be **refunded to the Kolkata Municipal Corporation.**

12. The Registrar, Original Side, shall give effect to the aforesaid directions upon completion of such ministerial formalities as may be required, without insisting upon any further adjudication concerning the

succession or proportion of entitlement already disclosed by the materials forming part of the present application.

13. In the event any further interest has accrued upon the deposit after the date up to which the aforesaid computation has been made and before actual disbursement, such further interest shall also be apportioned between the beneficiaries and the Kolkata Municipal Corporation in the same ratio of **70.968% and 29.032%**, respectively, unless the Registrar's records disclose otherwise in consequence of the actual period of accrual.
14. The application stands disposed of in the above terms.
15. All parties concerned shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Ananya Bandyopadhyay, J.)