

01.10.2026
SL No.5
Court No.12
(gc)

**MAT 1633 of 2026
CAN 1 of 2026
CAN 2 of 2026**

**M/s. Haji Munna Miah and Company
Private Limited & Ors.**

Vs.

The State of West Bengal & Ors.

Mr. Imtiaz Ahmed,
Ms. Ghazala Firdaus,
Mr. Md. Arsalan

... for the Appellants.

Ms. Susmita Saha Dutta, Ld. AGP,
Mr. Sukanta Ghosh,
Mr. Arghya Chatterjee,

...for the State.

Mr. Biswajit Mukherjee,
Ms. Gulnaz Quraishi

...for the KMC.

Re: CAN 1 of 2026

1. This is an application for condonation of delay of 53 days in preferring the appeal.
2. Considering the averments made in paragraph 4 of the said application, we are satisfied that the delay has been sufficiently explained.
3. The delay of 53 days is condoned.
4. Accordingly, CAN 1 of 2026 is allowed and disposed of.
5. The appeal is regularized.

Re: MAT 1633 of 2026
CAN 2 of 2026

6. Affidavit of service is taken on record.
7. Despite service, none appears on behalf of the KMDA.
8. The appeal arises out of a judgment dated July 1, 2026 passed by the learned Single Judge in WPA 29647 of 2025. The writ petition was filed by the appellants seeking a direction upon the Kolkata Municipal Corporation to correct the municipal records by inserting the name of M/s. Haji Munna Miah and Company Private Limited by deleting the name of Kolkata Improvement Trust (KIT) in respect of Plot No.781, known as Premises No.22, Golf Club Road at present 22, Uday Shankar Sarani.
9. It is contended by Mr. Ahmed, learned Advocate for the appellants that His Lordship failed to take into consideration that only part of the premises was acquired by the KIT and the remaining portion was still in the possession of the appellants. They acquired right, title and interest therefrom on the basis of a deed of transfer. Attention is drawn to an order passed by another learned Single Judge in an earlier writ petition to submit that only 6 Bighas 18 Cottahs 12 Chittaks and 35 Sq. ft. had been acquired by the Kolkata Municipal Trust and a direction was passed upon the competent authority to demarcate the land that was acquired, from the

remainder of the land in Plot No.781. Attention has been drawn to the notice of land acquisition to substantiate that acquisition in respect of Premises No.22, Golf Club Road, Kolkata was for a quantum of land measuring 6 Bighas 18 Cottahs 12 Chittaks and 35 Sq. ft.

10. Further reliance has been placed on an information received under the Right to Information Act, 2005, which indicates that pursuant to L.A. Case No.118-34 of 1968, an area measuring 6 Bighas 18 Cottahs 12 Chittaks and 35 Sq. ft, comprising Premises No.22, Golf Club Road, Kolkata, was acquired under the provision of Land Acquisition Act I of 1894 for the KIT Scheme No.118. The award was also declared on July 27, 1981 and paid to the owner. Possession was taken on August 21, 1981.

11. Mr. Ahmed submits that the appellants have been paying tax to the Kolkata Municipal Corporation, and as such, the question of deleting their names from the records and inserting the name of KIT instead, in respect of Premises No.22, Golf Club Road, Kolkata was not only illegal, but also contrary to the records of the Land Acquisition Case. According to Mr. Ahmed, deletion of the name of the appellant no.1 from the municipal records

was done in violation of the principles of natural justice.

12. We find that, before the learned Single Judge arrived at the conclusions which have been challenged by preferring this appeal, extensive exercise was done in order to ascertain whether a prerogative writ could be issued by directing the KMC to delete the name of KIT from the assessment records by inserting the name of the appellant no.1. KMC filed a report before His Lordship countersigned by the Assessor Collector AC (T Tax) Department. Wherein it was observed that the change of name was done as per the order of the Municipal Commissioner dated March 11, 2011, on the basis of the IB records with effect from 3rd quarter of 2005-2006.

13. Although, KMDA is not represented today, but the learned Advocate representing the KMDA has submitted before the Court that the Premises No.22, Golf Club Road, which formed the subject matter of the writ petition, had been acquired in its entirety. Accordingly, KMDA was directed to produce the records of KIT Scheme 118, to demonstrate the extent of acquisition of Premises No.22, Golf Club Road, Kolkata. By another order, the first Land Acquisition Collector was also directed to be personally present along with records of acquisition.

The Scheme was notified in terms of Section 49(1) of the Kolkata Improvement Act, 1911. Acquisition for the KIT Scheme 118 was informed to all, vide a public notice. The power to publish such notice is conferred under Section 48 of the said Act. The Governor had sanctioned the General Improvement Scheme known as Scheme 118 in respect of ward no.95/96 of the Corporation (Tollygunge Area, Prince Gulam Md. Shah Road – Golf Club Road). The boundaries of the scheme had been duly mentioned in the notification and the list of premises proposed to be acquired also found mentioned therein. From the said notification and the records, His Lordship found that the entire of Premises No.22, Golf Club Road had been acquired. An award was passed under Section 11 of the Land Acquisition Act, 1894. It was the specific finding that Premises No.22, Golf Club Road, Kolkata comprised of 6 Bighas 18 Cottahs 12 Chittaks and 35 Sq. ft..

14. Under such circumstances, His Lordship was of the view that, the question of directing the Municipality to insert the name of the appellant no.1 did not arise. His Lordship considered the title deed which was produced by the appellants. 6 acres of land was recorded in the name of the predecessor of the appellant. In view of such disputed questions, His Lordship was of the opinion that the issue

involved could not be adjudicated by a writ court. According to His Lordship, no document could be available, which would indicate that Premises No.22, Golf Club Road was acquired in part. His Lordship went on to add that, grant of further hearing to the petitioners on the self-same issue would be a futile exercise. As the Corporation had acted on the basis of the records of the LA case, and on the basis of a direction of the Commissioner, we do not find any reason to interfere with the order impugned.

15. The appellants have urged that Plot No.781 which measured around 18 Bighas comprises of Premises No.22, Uday Sankar Sarani or Premises No.22, Golf Club Road, whereas, on the basis of the records it was found that the acquisition was for the entirety of 22, Uday Sankar Sarani Road/22, Golf Club Road.
16. The award which has been annexed to the application indicates that the appellant no.1 had been paid compensation to the tune of Rs.3,32,996.67/- some time in 1981.
17. Whether Plot No.781 in respect of which the appellants claimed title was the entirety of Premises No.22, Golf Club Road or Premises No.22, Golf Club Road was a part of Plot No.781, is a matter which has to be decided in an appropriate civil proceeding.

18. The writ court's jurisdiction extends to review of actions taken by statutory authorities, insofar as, illegalities are concerned. In this case, facts are against the appellants. If the appellants have to prove their title, superior to KIT in respect of the premises in question, the remedy of the appellants would be before a civil court which has been rightly held by His Lordship.
19. Needless to mention, if the appellants are successful in the civil suit, consequences will follow.
20. We make it clear that, neither possession of the property nor entry or deletion of the names of the owners from the municipal records, create or negate a right of title. Title has to be proved before a civil court and declared by the court in the facts involved.
21. Accordingly, the appeal and the connected application are disposed of.
22. However, there shall be no order as to costs.
23. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)