

FORMAT FOR FILING COMPLAINT / 2ND APPEAL BEFORE WEST BENGAL
INFORMATION COMMISSION (Vide Circular No. 1522-WBIC/Admn-05/13

dated 13.08.2014)

Complaint u/s 18(1)

2nd Appeal u/s 19(3)

(Tick relevant box)

1. Name of the Applicant: MD. IBRAHIM

2. Address: 32, RATU SARKAR LANE KOL-700013

3. Date of filing of application for information under RTI Act

10.04.2021

(A self attested copy of RTI application should be attached):

4. Name of State Public Information Officer / State Assistant Public Information Officer to whom the application was made and address:

The S.P.I.O Kolkata Municipal Corporation
1, Hogg Street Kolkata-700087

5. Gist of the information sought for:

9. Md Ibrahim already submitted
applies for cancelling the name of Ex-Landlord in K.M.C on
2nd March 2021 in terms of final order passed by the Lt. Controller
Kolkata Thika Tenancy in misc case no 127 of 2018

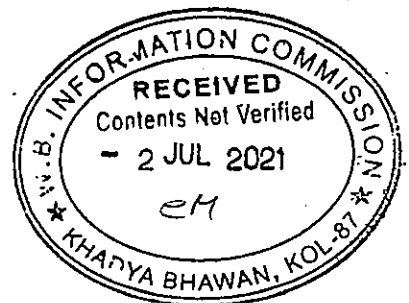
6. Have you received any response / information?

No

If so, attach a self attested copy of the same.

Cont.....2

A
MD



For Complaint u/s 18(1) only

1. Grounds for Complaint (strike off items not applicable)

- i) Unable to submit request for information because no SPIO / SAPIO has been appointed.
- ii) SPIO / SAPIO refused to accept the application / 1st appeal or refused to forward it to the SPIO / 1st Appellate Authority.
- iii) Refused access to information requested.
- iv) No response to the RTI application received within the time limit specified in the RTI Act.
- v) Fee demanded is unreasonable.
- vi) Information furnished is incomplete / misleading / false.
- vii) Any other (specify).

For 2nd Appeal u/s 19(3) only

1. Date of filing 1st appeal

24.05.2021

(A self attested copy of 1st appeal should be attached)

2. Authority to whom the first appeal was made and address:

Sri Saunik Sikder (Chief Manager) North Kolkata Municipal Corporation
1, Hogg Street Kolkata 700 87 (West 044)

3. Decision of the 1st Appellate Authority, if any, including number and date of the order:

18/6/2021

(A self attested photocopy of the order of the 1st Appellate Authority should be attached):

4. Grounds for 2nd appeal and the relief sought for (specify):

I want K.M.C to follow the order of C.K.T.T which was passed on 12.7.2019 and delete the name of ex-land lord as soon as possible.

Cont.....3

5. If 2nd Appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing of the 1st appeal explain the reasons for the delay.

I, MD. IBRAHIM son / daughter of late Khuda Bux
aged 56, being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Place: Kolkata

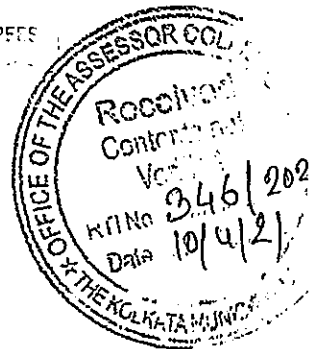
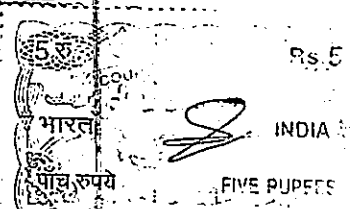
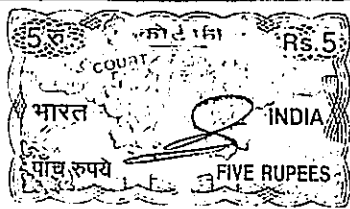
Md. Ibrahim
Signature of the complainant / appellant

Date: 25.06.2021

Md. Ibrahim
(Name of the complainant / appellant)

Index of self attested documents attached:

1. Copy of R.T.I
2. Copy of F.A.A reply
3. Copy of order sheet of C.K.T.T
- 4.
- 5.



To
The S.P.I.O.
Kolkata Municipal Corporation
1, Hogg Street
Kolkata - 700087

APPLICATION OF SEEKING INFORMATION UNDER RIGHT TO INFORMATION ACT 2005

- i) Name of Applicant : MD. IBRAHIM
ii) Address of Applicant : 32, Ratu Sarkar Lane
Kolkata - 700073
iii) Contact no. : 8981566587 / 9331534638
iv) Assessee no. : 110443200277

Subject : Prayer for cancellation of present recorded
Owner's name in respect of Premises No.32 Ratu
Sarkar Lane, Kolkata - 700073, Vide Assessee
No.110443200277

Respected Madam/Sir,

We have already submitted a prayer for cancelling
the name of Ex-Landlord in K.M.C. on 2nd March, 2021 in terms
of final order passed by the Ld. Controller Kolkata Thika
Tenancy in Misc. case no.127 of 2018.

The reason for filing this R.T.I. is that more than
one month completed and did not get any reply of my prayer which
I submitted on March 2, 2021.

Please provide me the information as soon as possible.

Date : 10.04.2021

Yours faithfully,

MD. Ibrahim



THE KOLKATA MUNICIPAL CORPORATION
Office of ASSESSOR-COLLECTOR (NORTH),
2nd Floor, Hogg Building, 1 Hogg Street,
Kolkata 700 087

Memo No.: RTI/387/2021-22

Date: 18/06/2021.

To,
Md Ibrahim,
32, Ratu Sarkar Lane,
Kolkata - 700073.

Sub.: 1st Appeal against RTI application in respect of premises no. 32, Ratu Sarkar Lane.

Ref.:

- i. Your RTI application dtd. 10/04/2021, received on 10/04/2021 by the Assessment-Collection (North) Department vide RTI No. 346/2021-22.
- ii. 1st Appeal dtd. 24/05/2021 received by CM(R/N) on 03/06/2021.
- iii. Order of CMR (N) & 1st Appellate Authority, RTI, KMC dtd. 03/06/2021 vide memo no. RTI/CM(R)/N/160/2021-22 and received on 04/06/2021 by the Assessment-Collection (North) Department vide RTI No. 387/2021-22.

Sir,

With reference to above, as per available records and as reported by the division concerned, the information is as under:

- The CKTT in the order dtd. 12/07/2019 in Misc. Case no. 127 of 2018 in respect of 32, Ratu Sarkar Lane said that the subject premises satisfies the definition of Khatal as per West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 and therefore vests under section 4(b) West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001.

The CKTT did not confirm the names of the thika tenants in the said order.

As per KMC computerized list of KHATAL premises, the subject premises is already listed as KHATAL premises. Please see the enclosed Annexure-A for the same.

Further, two appeals vide case no. O.A. 2459 of 2019 and O.A. 2467 of 2019 challenging the order of the CKTT dtd. 12/07/2019 in Misc. Case no. 127 of 2018 are pending before the Hon'ble 3rd Bench of the LRTT and awaiting for final decision.

- Similar RTI application was made on 31/12/2020 Vide RTI No.205/2020-21 of Assessment-Collection(North) Department and it was replied on 12/02/2021 vide our Memo No.RTI/205/2020-21.

Encl: As above.

Yours faithfully,

Assessor-Collector (North) & S.P.I.O.
Assessment-Collection (North) Department

Copy to:

1. Chief Manager (Revenue/North) & 1st Appellate Authority, RTI, KMC.

Assessor-Collector (North) & S.P.I.O.
Assessment-Collection (North) Department

ANNEXURE - A

Wardwise List of KHATALS

Page 1 of 1

Ward : 044

Assno.

Address Premises with Street

Owner

110440300170 12 BHAWANI DUTT LANE

43, PHEARS LANE, KOLKATA- 73

M/S AUTO DISTRIBUTORS LTD(LESSOR) ANWAR AHMED ANSARI,SALIM AHMED KHAN(LESSEES)

110440400176 22 BLACKBURN LANE

C/O NANKING RESTAURANT 22 BLACKBURN LANE CALCUTTA 700012

MESSRS YEAPPOON WONG PAT WONG YOOK KAI WONG CHIT KHAW YUE SUN AU HENRY AU KONG KWOK CHEW &
LI SUM YOUNG TRUSTEES TO THE CHINESE CHURCH NAMED TOONGON CHURCH

110440500298 31/1 CHATAWALLA GULLE

34/1A COLOOTOLA ST CALCUTTA

JANAB FARIDUR RAHMAN HASIBUR RAHMAN HAFIZUR RAHMAN & HIFZUR RAHMAN

110440600451 124 CHITTARANJAN AVENUE

C/O SHRI KESHARDEO DALMIA 122, COTTON STREET CALCUTTA-700007

EST BABONLAL DALMIA

110441100243 27 DEBENDRA MULLICK STREET

3/2/3, KAVIRAJ ROW KOLKATA - 700 073

PERSON LIABLE TO PAY TAX : ARYA MARKETING COMPANY PRIVATE LIMITED

110441100280 27/2A DEBENDRA MULLICK STREET

27/2A DEBENDRA MULLICK ST CALCUTTA 12

BS JAGANNATH DUTT & MOHAN CHAND DUTT

110441400202 7/3A GOPAL CHANDRA LANE

66, PHEARS LANE, KOLKATA-700073

MASROOR ALAM,MD.MASOOD ALAM.

110441400238 10 GOPAL CHANDRA LANE

C/O SRI MADAN DAS SEN 7/2A GOPAL CHANDRA LANE CALCUTTA 12

SRI GONESH CH CHANDER & DR P L SEAL JOINT RECRS IN S NO 658&768 OF 1954

110442800364 33/1 PHEAR LANE

272A CHITTARANJAN AVENUE CALCUTTA-700006

SKI NIRMAL KUMAR CHANDRA AS SOLE EXECUTOR TO THE EST. OF LATE KHETROMONI DASI

110443200277 32 RATU SARKAR LANE

32,RATU SARKAR LANE. KOLKATA-700073.

SRI KANAK LAL SEAL EXECUTOR TO THE ESTATE OF KEDAR LAL SEAL AND LESSEE MR.S A
AHMEDABADEBEWALLA

120444000107 B/48/H/2 ZACARIA STREET

HUT NO: H/2 155C, MAHATMA GANDHI ROAD CALCUTTA-700007

EST GORA CHAND MULLICK

ORDER SHEET
(Rule 129 of the Record Manual, 1997)

Order Sheet, dated : 12.07.2019

Nature of the Case: Proceeding u/s 5(3) & 4(b) of W.B.T.T (A & R) Act, 2001. Misc. Case No. 127 of 2018Premises No. 32 Ratu Sarkar Lane, Kolkata.

Date	Order & Signature of Officer	Note of action taken on Order
12.07.2019	<p>Brief History:</p> <p>One Ahmed Raja filed W.P No. 58 of 2017 in the original side of the High Court, Calcutta. On 07.03.2017 the Hon'ble Justice Harish Tandon in his order directed the Controller, thika tenancy to inform the Corporation whether the subject property has been declared as a thika tenanted or not.</p> <p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p> <p>Some Bundo Begum and Md Ibrahim filed before the Controller, Kolkata Thika Tenancy an application under section 8(1), 8(2) and 8(8) read with section 5(3), 5(2) and 6(2) of West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 praying for declaring -</p> <ol style="list-style-type: none"> 1) An area of 1901.83 sq.ft as a thika tenanted property. 2) S.A Ahamedabadwala and Abbas Bhai as thika tenants/structure owners for an area of 1901.83 sq.ft of 32 Ratu Sarkar Lane. 3) Khuda Bux now deceased as a bharatiya occupying the 'khatal'. 4) Md. Ibrahim as a bonafide bharatia substituted on the death of his father Khuda Bux. 5) The registered lease deed to be void, invalid and inoperative. 6) Forfeiting the structure in the subject premises under the possession and occupation of Md. Ibrahim for violation of section 5(4). 7) Granting license in favour of Md. Ibrahim in respect of structure and open area occupied. 8) To issue necessary direction upon the Police Authority to extend all sorts of administrative help to the licensee Md. Ibrahim in enjoying his tenancy. <p>Enquiry Report</p> <p>An enquiry was held by the Surveyor of Narkeldanga Regional Office on 26.04.2018. From the enquiry report it is revealed that the premises consists a G + 3 storied building in the front side and G + 1 storied building in the back side. Commercial area is 3300 sq.ft. Ahmed Raza occupied the front portion and Md. Ibrahim occupied back portion.</p> <p>Md. Ibrahim on 26.04.2018 submitted the following documents: -</p> <ol style="list-style-type: none"> 1) Letter issued by Deputy Controller to Md. Ibrahim on 01.08.2016 in respect of the subject premises informing that the premises is recorded in the khatal list and no return in Form 'A' filed. 	

COMPARED BY

28/7/19

Enquiring Officer
Kolkata Thika Tenancy
Government of West Bengal
35, Gopal Nagar Road, Kolkata-27
and
Officer empowered u/s 76 of the
Indian Evidence Act. 1872

28/7/19

Date	Order & Signature of Officer	Note of action taken on (
	<p>2) Reply under RTI Act to Md. Irfan by the Officer-in-Charge, Narkeldanga Regional Office on 28.10.2015 informing that there is no return file in respect of subject premises.</p> <p>3) Letter issued by advocate of Md. Ibrahim on 17.03.1989 to the Additional Milk commissioner intimating that Md. Ibrahim had a khatal for last thirty years and the said khatal is protected by an order of adinterim injunction granted by the Hon'ble High Court restraining the Additional Milk Commissioner from interfering with the business trade and seizing any cattle till the disposal of the Rule.</p> <p>4) Copy of I.B. for 4/04 - 05 and 1/81 - 82.</p> <p>5) Communication made by Executive Engineer, Borough V of Building Cell, Calcutta Municipal Corporation for repairing of a building to Md. Ibrahim on 03.02.2001.</p> <p>6) Order passed in reference to W.P No. 982 of 2015 by the Assessor Collector (North), Kolkata Municipal Corporation on 08.06.2016.</p> <p>7) Death certificate of Khoda Box issued by Soloan Burial Ground wherein the date of death is mentioned as 31.03.1984.</p> <p>8) Bill issued on 15.07.1987 to Bundo Begum for 7 rooms.</p> <p>9) Bill No. 111 issued by Khoda Bux on 07.03.1980 for 7 rooms with big khatal.</p> <p>10) Rent Controller Challan Form III tendering the rent to the credit of Abbas Bhai Ahmadabadwala by Bundo Begum w/o Khoda Bux in respect of one flat with compound at back side (including 7 rooms) with khatal and structure thereon.</p> <p>11) Final bill for winding up of business on 27.06.1995 issued by Directorate of Dairy Development, Haringhata Farm in the name of Abdul Halim for period from 01.05.1995 to 27.06.1995 for total number of Animal 1046.</p> <p>12) EPIC of Md. Ibrahim.</p> <p>On 10.08.2018 the Controller, Kolkata Thika Tenancy ordered for adjudication under section 5(3) and 4(b) of West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001.</p> <p>Issued notice to all the interested parties. Heard them. Perused the written submission, notes of argument and documents filed by the parties present.</p> <p><u>Contention of Amita Seal :</u></p> <p>Amita Seal executed a lease deed being no. 10512 on July 23, 2013 as lessor in favour of Ahmed Raza and two others, as lessee. Her predecessor in interest executed a lease in the year 1929 in favour of Shri Ranjit Kumar Shaw for 99 years as per order of the Hon'ble High Court, Calcutta. After Ranjit Kumar Shaw surrendered his right another deed of lease was assigned in favour of one Abbas Bhai Ahmedabadwala. Amita Seal in her submission denied the claim of Md. Ibrahim and Bundo Begum.</p>	<p>CERTIFIED TO BE TRUE COPY</p>

COMPARED BY

28/7/15

Enquiring Officer
Kolkata Thika Tenancy
Government of West Bengal
35, Gopal Nagar Road, Kolkata
and
Officer empowered u/s 76 of the
Indian Evidence Act. 1872

28/7/15

Date	Order & Signature of Officer	Note of a taken on Order
	<p>Following documents were submitted by Amita Seal:</p> <ol style="list-style-type: none"> 1) Affidavit before the Ld. Rent Controller by Bundo Begum on 19.10.1984. 2) Application filed by Bundo Begum before the Ld. Rent Controller, Calcutta on 20.10.1984. 3) Examination in chief on Affidavit of Musmt Bundo Begum and others in respect of application under section 17(2) of the W.B.P.T Act 1956 and section V of the Indian Limitation Act under order XVIII Rule 4 C.P.C in the Small Causes Court, Calcutta before the Ld. Judge VIth Bench in Ejectment Suit No. 1973 of 2000 in the matter of Zuzar Bhai and Anr. Plaintiff Vs. Musmt Bundo Begum and others Defendants. 4) Advocate's letter from Bundo Begum and 3 others on 23.12.1998 to Ahmedabadwala, Zuzzar Bhai and Mustafa Bhai and others. 5) Assessment record from Kolkata Municipal Corporation Municipal Assessment Book for operative gr quarter 4/2004 in the name of owner Sri Kanak Lal Seal, Executor to the Estate of Kedar Lal Seal and Lesser Mr. S. A. Ahmedabadwala. 6) Lease deed no. 10512 for the year 2013 executed between Amita Seal, the lessor and Ahmed Raza, Md. Zishan and Md. Zafar Iqbal, the lessee. 7) Deed of surrender made on 23rd July, 2013 between Shabbir Bhai and Mustafa Bhai and Amita Seal. 8) Property Tax of Kolkata Municipal Corporation in the name of owner Kanak Lal Seal, executor to the Estate of Kedar Lal Seal and lessee S. A Ahmedabadwala for qtr. 2/06 to 3/07 and 2/08 to 4/08. <p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p> <p><u>Contention of Ahmed Raza and two others</u></p> <p>Ahmed Raza was one of the lessees alongwith two brothers namely Md. Zishan, Md. Zafar Iqbal by virtue of a registered deed of lease dated July 23, 2013 registered in between Smt Amita Seal, as lessor and Ahmed Raza and two others, the lessees. Ahmed Raza filed an application for mutation before Kolkata Municipal Corporation. Being aggrieved by inaction of Kolkata Municipal Corporation Ahmed Raza filed before the Hon'ble High Court W. P No. 982 of 2015 and the said writ application was disposed of by an order dated September 15, 2015 by Hon'ble Justice Dr. Sambuddha Chakraborty directing the Kolkata Municipal Corporation to decide the matter in accordance with law. Dissatisfied with the order passed by the Kolkata Municipal Corporation Assessor Collector (North) on June 8, 2016, Ahmed Raza filed W. P No. 58 of 2017.</p> <p>On March 7, 2017 the Hon'ble Justice Harish Tandon passed order in W.P No. 58 of 2017. Submission of Ahmed Raza is that there was no existence of khatal in the premises and receipt was never issued by Ranjit Kumar Shaw or Abbas Bhai or S. A. Ahmedabadwala. Abbas Bhai Ahmedabadwala and S. A. Ahmedabadwala were not the structure</p>	

COMPARED BY

B
29/07/19

Enquiring Officer
Kolkata Thika Tenancy
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35, Gopal Nagar Road, Kolkata-22
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Indian Evidence Act. 1872

AS
28/7/19

Date	Order & Signature of Officer	Note of a taken on
	<p>owner and accordingly both of them did not take any shelter under the provisions of Thika Tenancy Act and the predecessor of Ahmed Raza namely Khuda Bux was inducted as monthly tenant by Abbas Bhai Ahmedabadwala and S. A. Ahmedabadwala comprising of 7 rooms. The tenancy was granted to Khuda Bux for exclusively for 7 rooms and for residential purpose.</p> <p>Perused the following documents filed by Ahmed Raza and others : -</p> <ol style="list-style-type: none"> 1) Deed No. 1880 for 1929. 2) Copy of plaint of W.P No. 982 of 2015. 3) Copy of plaint of W.P No. 58 of 2017. 4) Copy of Municipal Assessment Book with ground rent quarter for 4/2004 in the name of owner Kamal Lal Seal, Executor to the Estate of Kedar Lal Seal and lesser S. A. Ahmedabadwala. 5) Order of Assessor Collector (North), Kolkata Municipal Corporation in reference to W.P No. 982 of 2015 in the matter of Ahmed Raza and others Vs. State of West Bengal and others dated 08.06.2016. 6) Information regarding deposit of rent under Rule 19 of W.B.P.T Rule, 1997 by the Rent Controller to Bundo Begum and Md. Ibrahim 25.01.2005 and 21.02.2005. 7) Affidavit of Bundo Begum before the Rent Controller on 19.10.1984. 8) Prayer for permission for depositing rent for seven rooms before the Ld. Rent Controller on 20.10.1984. 9) Affidavit before the Ld. Judge VIth Bench in the Small Causes Court at Calcutta in Ejectment suit no. 1973 of 2000. 10) Deed of surrender executed on 23.07.2013 by Zuzar Shabir Bhai, Mustafa Bhai and Mustafa Shabbir Kishanganjwala and Khuzema Shabbir Bhai to Amita Seal. 11) Deed No. 10512 for 2013. 12) Order in W.P No. 982 of 2015 passed on 15.09.2015. 13) Order in W.P No. 58 of 2017 passed on 07.03.2017. 14) Property Tax receipt for qr. 3/2015 - 2016, 2/06 to 3/07, 2/08 to 4/08 in the name of owner Sri Kanak Lal Seal, Executor to the Estate of Kedar Lal Seal and lessee S. A. Ahmedabadwala. 15) Municipal Assessment Book for ground rent quarter 1.01.1983 in the name of owner Kanak Lal Seal, Executor to the Estate of Kedar Lal Seal. 16) Copy of Assessment Book with effect from 1/69 - 70 in the name of owner Kanak Lal Seal, Executor to the Estate of Kedar Lal Seal and name of occupier S. A. Ahmedabadwala w/o Abbas Bhai. <p>Following citations were made in support of their argument :</p> <ol style="list-style-type: none"> 1) AIR 1977 CALCUTTA 94. 2) AIR 1977 CALCUTTA 99. 3) AIR 1987 CALCUTTA 326. 	<p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p>

COMPARED BY

26/7/19

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28/7/19

Date	Order & Signature of Officer	Note of at taken on Order
	<p><u>Contention of Md. Ibrahim and Bundo Begum</u></p> <p>Brojolall Seal was the owner of the property being no. 32 Ratu Sarkar Lane comprising 07 Cottah 07 Chittak 30 sq.ft. Subsequently one Surma Manjary Dasee and Jahar Lall Seal were jointly appointed as Administrators in respect of the Estate of Brojo Lall Seal. After the demise of Jahar Lall Seal, Smt Surma Manjary Dasee became the sole Administrator. In 1929 Surma Manjary Dasee granted lease in respect of Ranjit Kumar Shaw pursuant to order passed by Hon'ble High Court Judicature at Fort Willam.</p> <p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p> <p>On 21.05.1929 said Ranjit Kumar Shaw the perpetual lessee, assigned the lease to Abbas Bhai and S. A. Ahmedabadwala for the unexpired period of lease.</p> <p>Khuda Bux, now deceased, father of Md. Ibrahim and husband of Bundo Begum took tenancy from Abbas Bhai and his wife S. A Ahmedabadwala in respect of 7 rooms for residential purpose. Khuda Bux used to pay rent to the landlords and the tenant used to run a big "khatal" comprising of a huge number of buffaloes for the purpose of trade of milk drawn from the said Buffaloes.</p> <p>Khuda Bux died on 31.03.1984. Most of the heirs of Khuda Bux stay in their native place at Aligarh, U. P. Md. Ibrahim with his mother and family member stayed in his tenanted premises for residential purpose and have been operating trade on milk. Predecessor in interest of Md. Ibrahim and Bundo Begum used to run a Big "Khatal" and the Milk derived from the buffaloes were for trade and business.</p> <p>Some of the heirs of Abbas Bhai and S. A Ahmedabadwala namely Zuzar Bhai, Mustafa Bhai also known as Mustafa Shabbir Kishanganjwala and Khuzema Shabbir Bhai surrendered their sub-lease right in favour of Amita Seal who on the basis of that alleged deed of surrender executed and registered an alleged lease deed in favour of Ahmed Raza and others vide registered deed no. 10512 of 2013.</p> <p>From the I.B for 1st quarter 1981 - 82 there was a big "khatal" in corrugated sheds under owner Khuda Bux. Again in the I.B copy for 4th quarter 2004 - 05 there is a noting that the bharatia Md. Ibrahim has been staying in part of the subject premises occupying seven rooms and paying Rs. 105/- as bharatia rent to the concerned owner.</p> <p>Perused the following documents:</p> <ol style="list-style-type: none"> 1) Rent bill to Khoda Bux on 10.02.1979. 2) Rent bill issued to Bundo Begum and sons on 15.07.1987. 3) Rent bill to Khuda Bux on 07.03.1980. 4) Challan in Rent Control Form No. III to the credit of Abbas Bhai Ahmedabadwala tendered by Bundo Begum. 5) Deed of surrender of 2013 between Zuzar Shabbir Bhai and others to Amita Seal. 6) Lease deed no. 10512 for 2013. 	

COMPARED BY

26/7/19

Enquiring Officer
Kolkata Thika Tenancy
Government of West Bengal
35, Gopal Nagar Road, Kolkata-27
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29/07/19

26/7/19

Date	Order & Signature of Officer	Note of a taken on
	<p>7) Letter from Assessor Collector (North) to Controller, Kolkatta Thika Tenancy on 13.03.2015.</p> <p>8) Order in W.P No. 982 of 2015. CERTIFIED TO BE TRUE COPY</p> <p>9) Order in Ejectment Suit No. 1973 of 2000 in the matter of Zujjar Bhai and others in the Presidency Small Causes Court at Calcutta before the Ld. Judge Vth Bench.</p> <p>10) Letter from Commercial Executive on 12.04.2014 to Md. Ibrahim.</p> <p>11) Letter issued on 09.02.1980 by the President, Akhil Bharat Dugdha Utpadak Samity to Khoda Bux Ghoshi on 32 Ratu Sarkar Lane.</p> <p>12) Advocate's letter from Md. Ibrahim to additional Milk Commissioner on 17.03.1989.</p> <p>13) Receipt of Bengal Cattle Dealer Association issued on 23.10.1996 to Noor Md., dealer and Ibrahim, milkman of 32 Ratu Sarkar Lane.</p> <p>14) Scavenging Tax for 1st. half year 1962 -63 issued by License Officer, Kolkata Municipal Corporation to Omaruddin, Milk seller at 32 Ratu Sarkar Lane.</p> <p>15) Bill issued by Officer-in-Charge, Cattle/dog Pound to Sk. Kalu of 32 Ratu Sarkar Lane on 19.09.1979.</p> <p>16) Death Certificate of Khoda Bux issued by Soloan Burial ground wherein the date of death is 31.03.1984.</p> <p>17) Letter from Executive Engineering Borough No. V dtd. 03.02.2001 to Md. Ibrahim for repairing of building.</p> <p>18) Rent receipt to Abdul Rahim, licensee, by Dairy Dev, Haringhata Farm on 27.06.1995.</p> <p>19) G. D. against Abbas Bhai Ahmedabadwalla filed by Khuda Bux in the Jorasanko Police Station.</p> <p>20) Letter to officer-in-Charge, P.S Jorasanko on 15.04.1981 from Khuda Bux alleging against S. A Ahmedabadwalla and others for forcibly taking the L.T.I.</p> <p>21) Certificate to Bundo Begum of 32 Ratu Sarkar Lane from District Health Officer, Executive Health Officer, Calcutta Municipal Corporation on 20.07.2001 sanctioning the license for sweets, milk, curd, Tea and cold drinks.</p> <p>22) Municipal license for profession trades and callings to Omar Din, the Milk seller at 32 Ratu Sarkar Lane on 10.09.1963.</p> <p>23) Letter from Phani Bhusan Chakraborty, Advocate to Khoda Bux and another on 14.11.1979.</p> <p>24) Letter from Advocate Kalimuddin Mondal to the Secretary, Department of Animal Husbandry and Veterinary Services, Writers' Buildings.</p> <p>25) Letter from Phani Bhusan Chakraborty on 12.03.1988 in regard to review petition in connection with writ petition no. 1297/1987 and contempt petition in S.L.P No. 9849 of 1987.</p> <p>26) Letter from Kalimuddin Mondal on 18.06.1936 to 1) Officer-in-Charge, Cattle Licensing Section, 2) Authorised Officer, Licensing Section, 3) Commissioner of Police, Calcutta in respect of ground rent of 1986 issued by Hon'ble Justice Paritosh Kumar Mukherjee on May 20, 1986 in reference to Phulan Behari Ghosh and others vs. Controller of Thika Tenancy and others.</p>	

COMPARED BY

28/7/19

Enquiring Officer
Kolkata Thika Tenancy
Government of West Bengal
35, Gopal Nagar Road, Kolkata-27,
and
Officer empowered u/s 76 of the
Indian Evidence Act, 1872

29/07/19

28/7/19

Date	Order & Signature of Officer	Note of action taken on Order
	<p>27) Letter from Md. Abdul Rahim on 08.09.1994 to the Milk Commissioner seeking permission to become a new licensee at Government Milk Colony.</p> <p>28) License under the Milk Trade Control Order, 1965 issued by License Issuing Officer to Mohammad Ibrahim valid for period ending on 30.09.1989.</p> <p>Observation CERTIFIED TO BE TRUE COPY</p> <ol style="list-style-type: none"> 1) By virtue of the deed no. 1880 for 1929 land containing an area of 07 Cottah 07 Chittak and 32 sq.ft was leased out by the Estate of Brojalal Seal. 2) From the Assessment Book dated 19.03.1980 name of Owner of Premises No. 32 Ratu Sarkar Lane is Shri Kanaklal Seal, Executor to the Estate of Kedarlal Seal. Name of occupier is S. A. Ahmedabadwalla w/o Abbas Bhai (lessee) and Sm Bai Ali Hossain Ahmedabadwalla. 3) License issued on 05.06.1989 to Mohammad Ibrahim for 32 Ratu Sarkar Lane proves that Md. Ibrahim was in milk trade and his area of trade was Sealdah Milk Market and Jorasanko Milk Market. The license was valid to 30.09.1989. 4) On 08.09.1994 the letter from Md. Abdul Rahim and Md. Ibrahim to the Milk Commissioner praying for license of Government Milk Colony with 100 Buffaloes shows that they were in Milk Trade. 5) The letter of Advocate Kalimuddin Mondal to the Secretary, Department of Animal Husbandry and Veterinary Services, O.C, Cattle Raid Section, Lallbazar and others informing about the Civil order restraining the police authorities from seizing any cattle from the address mentioned in the petition subject to the conditions mentioned in the order, includes 32 Ratu Sarkar Lane. 6) The license issued on 10.09.1963 to Omar Din shows the business was carried at the subject premises in the profession of Milk selling. 7) The sanction of District Health Officer, Kolkata Municipal Corporation on 20.07.2001 to Bundo Begum reveals that Bundo Begum was in the trade of products from Milk on the subject premises. 8) From the complaint of Khuda Bux on 15.04.1981 to the O.C, Jorasanko Police Station indicates that Khuda Bux was a tenant under Abbas Bhai Ahmedabadwalla. 9) The receipt from Cattle/Dog Pound shows that there was 14 she Buffalows on the address of 32 Ratu Sarkar Lane. 10) The rent receipts issued to Khuda Bux was for seven rooms with big khatal on 1980. Therefore khatal existed prior to date of vesting in West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 i.e 18.01.1982. 1) Rent deposited to Rent Controller by Bundo Begum also shows the rent was deposited for 'Khatal' to Abbas Bhai. Therefore even after 1984 there existed a khatal on the subject premises (as Khoda Bux died on 31.03.1984). 	

COMPARED BY

28/2/17

29/07/19

Enquiring Officer
Kolkata Thika Tenancy
Government of West Bengal
35, Gopal Nagar Road, Kolkata-27
and
Officer empowered u/s 76 of the
Indian Evidence Act, 1872

28/2/15

Date	Order & Signature of Officer	Note of a taken on t
	<p>12) Letter of Advocate. Kalimuddin Mondal dated 18.06.1986 intimating the interim order restraining from dispossessing/evicting the petitioners from their place of business and from interfering with the petitioner's right to carry on business, by Hon'ble Justice Paritosh Kumar Mukherjee on May 20, 1986 reveals the name of petitioners - include Md. Ibrahim of 32 Ratu Sarkar Lane.</p> <p>Discussion : CERTIFIED TO BE TRUE COPY .</p> <p>The definition of "Khatal" as mentioned in section 2(5) of the West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001 and the relevant provision of section 4(b) are set out hereunder:</p> <p><i>"khatal" means a place where cattle are kept or maintained for the purpose of trade of business including business in milk derived from such cattle;</i></p> <p>By virtue of section 4(b) lands held in monthly or other periodical tenancies, whether under a written lease or otherwise, for being used or occupied as khatal vests with effect from 18.01.1982.</p> <p>Therefore the lands used or occupied as "khatal" shall vest in the State under section 4(b) of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 subject to fulfillment of the following conditions:</p> <p>(i) There has to be a tenancy in the said property for running a khatal.</p> <p>(ii) That the khatal is being run or maintained for the purpose of business as defined in section 2(5) of the West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001".</p> <p>The above two conditions have to be fulfilled in order to attract section 4(b) of the West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001.</p> <p><i>In Padrone Marketing v Controller of Thika Tenancy 2011(2) CHN (Cal) 36, the High Court, dealing with the question of vesting of khatal, observed:</i></p> <p>"In terms of West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001 a "khatal" means a place where cattle are kept or maintained for the purpose of trade or business including business in milk derived from such cattle. In terms of section 4(b) of the West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001 lands held in monthly or other periodical tenancies for being used or occupied as a "khatal", shall be deemed to have vested in the State. Therefore unless the land is held in monthly or other periodical tenancies for being used or occupied as a 'khatal', the same cannot vest in the State in terms of section 4(b) of the West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001".</p>	

COMPARED BY

24/07/19

Enquiring Officer
Kolkata Thika Tenancy
Government of West Bengal
35, Gopal Nagar Road, Kolkata
and
Officer empowered u/s 76 of
Indian Evidence Act. 1872

24/07/19

Date	Order & Signature of Officer	Note of an taken on (
<p>COMPARED BY <i>[Signature]</i> 22/7/19</p> <p><i>[Signature]</i> 22/7/19</p> <p>Enquiring Officer Kolkata Thika Tenancy Government of West Bengal 35, Gopal Nagar Road, Kolkata-27 and Officer empowered u/s 76 of the Indian Evidence Act 1872</p> <p><i>[Signature]</i> 22/7/19</p>	<p>Here in this case in 1929 the Land was leased out with permission to the lessee construct structure. The rent receipt issued to Khoda Bux and Bundo Begun shows that structure and 'khatal' was let out to them by Ahmedabadwala. The documents produced before this Court proves that business in cattle or milk was carried out at the subject premises prior to, on and after 18.01.1982. Therefore both the conditions (i) and (ii) are satisfied in this case.</p> <p><u>Order</u> CERTIFIED TO BE TRUE COPY</p> <p>The subject premises satisfies the definition of khatal defined in section 2(5) of West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001 and therefore vests under section 4(b) of West Bengal Thika Tenancy (Acquisition and regulation) Act, 2001.</p> <p>Plain copy of this order be sent to Kolkata Municipal Corporation.</p> <p>Dictated & corrected by me,</p> <p style="text-align: center;">Sd/- Controller, Kolkata Thika Tenancy</p> <p style="text-align: right;">Sd/- Controller, Kolkata Thika Tenancy</p>	

D. NO - 3786 (ATR)

12.09.2024

Email

State Chief Information Commissioner West Bengal

Action Taken Report in connection with Memo no. 2951-WBIC/RTI/A/101058/2312/2024 dated 23/08/2024 in connection with premises no. 32, Ratu Sarkar Lane.

From : sbhatta1980@gmail.com

Wed, Sep 11, 2024 07:41 PM

Subject : Action Taken Report in connection with Memo no. 2951-WBIC/RTI/A/101058/2312/2024 dated 23/08/2024 in connection with premises no. 32, Ratu Sarkar Lane.

1 attachment

To : State Chief Information Commissioner West Bengal
<scic-wb@nic.in>

Sir,

May kindly peruse the Action Taken Report (attached pdf file) in connection to Appeal filed by Md Ibrahim in respect of the Memo no. 2951-WBIC/RTI/A/101058/2312/2024 dated 23/08/2024 in connection with premises no. 32, Ratu Sarkar Lane.

Yours faithfully,

Sudip Bhattacharya

SPIO, Assessment-Collection (North) Department

& Assessor-Collector (North)

RTI attachment_11_09_2024.pdf

2 MB

Harish-12.09.24
B.S

THE KOLKATA MUNICIPAL CORPORATION
Office of ASSESSOR-COLLECTOR (NORTH),
2nd Floor, Hogg Building, 1 Hogg Street,
Kolkata 700 087

Memo No.: RTI/264/2024-25

Date: 11/09/24

To,
The Law Officer & Jt. Registrar,
West Bengal Information Commission,
Khadya Bhaban,
11A, Mirza Ghalib Street,
Kolkata- 700 087

Sub.: Submission of Action Taken Report in connection to appeal filed by Md Ibrahim issued by WBIC being Memo No. 2951-WBIC/RTI/A/101058/2312/2024 dt.23/08/2024 in respect of premises no. 32, Ratu Sarkar Lane.

Ref.: Appeal No. 101058 of 2024; Appellant: Md Ibrahim.

Sir,

Subject above may kindly be seen.

The undersigned has received an instruction from West Bengal Information Commission vide Memo No. 2951-WBIC/RTI/A/101058/2312/2024 dt.23/08/2024.

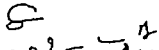
The then SPIO had received an application under RTI Act. 2005 from Md. Ibrahim vide no. RTI No.346/2021-22 on 10/04/2021 (copy flagged Annexure-1)

There after Md.Ibrahim had made an appeal before the 1st Appellate Authority & Chief Manager Revenue (North), KMC order Memo No.RTI/CM(R-N)/160-2021-22 vide RTI no 387/2021-22 dt.04/06/2021 (copy flagged Annexure-2)

The then SPIO replied the same on 18/06/2021 vide memo no. 387/2021-22 (copy flagged Annexure-3)

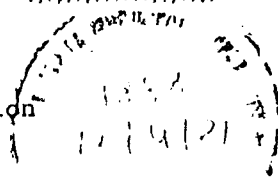
The entire matter is placed for kind perusal and further orders please.

Yours faithfully,


11-09-24
Assessor Collector (North)

Assessor-Collector (North) & S.P.I.O.
The Kolkata Municipal Corporation
Assessment-Collection (North) Department

To
The S.P.I.O.
Kolkata Municipal Corporation
1, Hogg Street
Kolkata - 700087



346/21
10/4/21

APPLICATION OF SEEKING INFORMATION UNDER RIGHT TO INFORMATION ACT 2005

- i) Name of Applicant : MD. IBRAHIM
ii) Address of Applicant : 32, Ratu Sarkar Lane
Kolkata - 700073
iii) Contact no. : 8981566587 / 9331534638
iv) Assessee no. : 110443200277

Subject : Prayer for cancellation of present recorded
Owner's name in respect of Premises No.32 Ratu
Sarkar Lane, Kolkata - 700073, Vide Assessee
No.110443200277

Respected Madam/Sir,

We have already submitted a prayer for cancelling
the name of Ex-Landlord in K.M.C. on 2nd March, 2021 in terms
of final order passed by the Ld. Controller Kolkata Thika
Tenancy in Misc. case no.127 of 2018.

The reason for filing this R.T.I. is that more than
one month completed and did not get any reply of my prayer which
I submitted on March 2, 2021.

Please provide me the information as soon as possible.

Date : 10.04.2021

Yours faithfully,

V. Wazem
DARIN/RTI cell
10.4.21
Deputy-Collector (North)
The Kolkata Municipal Corporation

MD. Ibrahim

Received
Contents not
Verified
3/6/21

PROFORMA OF FIRST APPEAL UNDER SECTION 19(1) OF THE
RIGHT TO INFORMATION ACT, 2005.

I.D. No. _____
(for official use)

RTI/2021(R-N)/160-252-2-2-2
Sri Savvik Sikder (Chief Manager) North
Kolkata Municipal Corporation
1, Hogg Street Kolkata 700087 (Ward 54)

(Name & address of the
Senior Officer acting as
First Appellate Authority).

- Name of the Applicant : MD IBRAHIM
- Address of the Applicant : 32, Ratu Sarker Lane Kolkata 700073
- Particulars of the Central/
State Public Information Officer:
(a) Name : Kolkata Municipal Corporation 1, Hogg Street
(b) Address : Kolkata 700087
- Date of submission of application
for seeking information : 10/04/2021
- Date on which 30/35/40 days from
submission of application are over: 40
- Reasons for appeal:
(Please indicate separately for each question)
(a) No response received within the
specified period: No response received within
the specified period
(b) Aggrieved by the response received
within the specified period
(c) Grounds for appeal
- Last date for filing the appeal :
- Particulars of Information
(a) Information requested : Information requested
(b) Subject
(c) Period
- A fee of _____ for appeal has been deposited in _____ vide Receipt No. _____ Dated _____
(only if applicable)

1933
7/6/21

Md. Ibrahim

Signature of Appellant
E-mail address, if any
Tel. No. (office) _____
(Residence) 9981566587
9331534633

Place Kolkata
Date 24/05/2021

Please attach:

- Copy of RTI application.
- Copy of the response received from CPIO with which the appellant is aggrieved.

Appendix A

Chief Manager / Revenue
The Kolkata Municipal Corporation
ACU
4/6/21
Chief Manager / Revenue (N)
The Kolkata Municipal Corporation
AC: (N)
Collection (No.)

V.V. Wazir
DAECM/RTI cell
All arrange
to give reply
immediately by 3 days
without fail

OFFICE OF THE ASSESSOR COLLECTOR (NORTH)
RECEIVED
Contents not
Verified
RTI No. 287/21-22
Date 04/06/21
KOLKATA MUNICIPAL CORPORATION



o/c

THE KOLKATA MUNICIPAL CORPORATION
Office of ASSESSOR-COLLECTOR (NORTH),
2nd Floor, Hogg Building, 1 Hogg Street,
Kolkata 700 087

Memo No.: RTI/387/2021-22

Date: 18/06/2021

To:
Md Ibrahim,
32, Ratu Sarkar Lane,
Kolkata - 700073

Sub.: 1st Appeal against RTI application in respect of premises no 32, Ratu Sarkar Lane

Ref.:

- i Your RTI application dtd 10/04/2021, received on 10/04/2021 by the Assessment-Collection (North) Department vide RTI No 346/2021-22
- ii 1st Appeal dtd 24/05/2021 received by CM(R/N) on 03/06/2021
- iii Order of CMR (N) & 1st Appellate Authority, RTI, KMC dtd. 03/06/2021 vide memo no. RTI/CM(R)/N/160/2021-22 and received on 04/06/2021 by the Assessment-Collection (North) Department vide RTI No 387/2021-22.

Sir,

With reference to above, as per available records and as reported by the division concerned, the information is as under

- The CKTT in the order dtd 12/07/2019 in Misc Case no 127 of 2018 in respect of 32, Ratu Sarkar Lane said that the subject premises satisfies the definition of Khatal as per West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001 and therefore vests under section 4(b) West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001.

The CKTT did not confirm the names of the thika tenants in the said order.

As per KMC computerized list of KHATAL premises, the subject premises is already listed as KHATAL premises Please see the enclosed Annexure-A for the same

Further, two appeals vide case no. O.A. 2459 of 2019 and O.A. 2467 of 2019 challenging the order of the CKTT dtd. 12/07/2019 in Misc Case no. 127 of 2018 are pending before the Hon'ble 3rd Bench of the LRTT and awaiting for final decision.

- Similar RTI application was made on 31/12/2020 Vide RTI No.205/2020-21 of Assessment-Collection(North) Department and it was replied on 12/02/2021 vide our Memo No RTI/205/2020-21

Encl: As above

Yours faithfully,

18.6.21

Assessor-Collector (North) & S.P.I.O.
Assessment-Collection (North) Department
Assessor-Collector (North)
The Kolkata Municipal Corporation

Copy to:

1. Chief Manager (Revenue/North) & 1st Appellate Authority, RTI, KMC.

18.6.21

Assessor-Collector (North) & S.P.I.O.
Assessment-Collection (North) Department
Assessor-Collector (North)
The Kolkata Municipal Corporation

18/6/2021
A.C. (N) / RTI

18/06/2021
Uy. AC (N)
Assessment Collection (North)
K.M.C

WEST BENGAL INFORMATION COMMISSION
Khadya Bhavan, 11A, Mirza Ghalib Street, Kolkata - 700 087.
Phone No. (033) 2252 0509, 2252 0501
Website: www.wbic.wb.gov.in ; e-mail: scic-wb@nic.in

Appeal No 101058 of 2024 under the Right to Information Act, 2005.

RTI Applicant : Md Ibrahim
SPIO : Shri Sudip Bhattacharya,
A.C (North), Assessor Collector (North) &
SPIO, Kolkata Municipal Corporation.

First Appellate Authority : Shri Souvik Sikder,
Chief Manager (Revenue/North) & 1st
Appellate Authority, Kolkata Municipal
Corporation

Date of RTI : 10.04.2021
Date of 1st Appeal : 24.05.2021
Date of 2nd Appeal before : 02.07.2021
the Commission
Date of Hearing 17.09.2024
Present for hearing -
a) SPIO : In person
b) 1st Appellate Authority : Absent
c) Applicant : Absent

Ref: Hearing Notice No. 2951-WBIC/RTI/A/101058/2312/2024 Dated - 23.08.2024

Facts on Records:

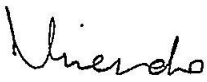
1. Md Ibrahim, vide his application dated- 10.04.2021 requested for the following information in c/w submitted prayer dated 02.03.2021 for cancellation of the name of ex-landlord in respect of final order passed by the Ld. Controller Kolkata Thika Tenancy in Misc. case no. 127 of 2018 in c/w the premises no. 32, Ratu Sarkar Lane, Kol- 73 vide assesse no. 110443200277 from SPIO, Kolkata Municipal Corporation.:

i) Provide me the reply of my prayer submitted on 02.03.2021.

2. SPIO, Assessor Collector (North), KMC sent a reply to the appellant vide memo no. RTI/387/2021-22 dated 18.06.2021 stating that CKTT did not confirm the names of the thika tenants in the order dated 12.07.2019 and as per KMC computerised list of khatal premises the subject premises is already listed as Khatal premises. Further two appeals vide case no. OA 2459/2019 & OA 2457/2019 challenging the order of the CKTT dated 12.07.2019 are pending before the Hon'ble 3rd bench of the LRTT and awaiting for final decision. Besides SPIO informed that similar RTI application dated 31.12.2020 was submitted and that was replied on 12.02.2021 vide memo no. RTI/205/2020-21.
3. Grounds for 2nd appeal non-receipt of information.
4. Relief sought for by the appellant is to follow the order of CKTT which was passed on 12.07.2019.
5. SPIO submitted an ATR vide memo no. RTI/264/2024-25 dated 11.09.24.

Deliberations and Decision:

6. The Appellant is absent despite option to appear virtually. He has neither sent any intimation nor he has sent any representative. His telephone number was tried but he is not available.
7. The appellant has been replied vide para 2 above. The Commission observed that he has been adequately replied. The case is closed.
8. The matter is disposed of.


Virendra 18/9/24
State Chief Information Commissioner
West Bengal

No. 3338 - WBIC/RTI/A/101058/2312/2024 Dated - 20.09.2024

Copy forwarded for information and necessary action to: -

1. Shri Sudip Bhattacharya, A.C (North), Assessor Collector (North) & SPIO, Kolkata Municipal Corporation, Hogg Building, 2nd floor, Kolkata - 700087.

2. Shri Souvik Sikder, Chief Manager (Revenue/North) & 1st Appellate Authority, Kolkata
Municipal Corporation, Hogg Building, 2nd floor, Kolkata – 700 087.
3. Md Ibrahim, 32, Ritu Sarkar Lane, Kolkata – 700 073.


20/09/24

Law Officer & Joint Registrar
West Bengal Information Commission