

Ct. 05
Item No.05
25.11.2020
(suvendu)

WPA 13969 of 2019
With
CAN 1 OF 2020
(Old No. CAN 4173 of 2020)
With
CAN 2 OF 2020
(Old No. CAN 4174 of 2020)

(Via Video Conference)

Buddha Dev Ganguly
Vs.
State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Asok Banerjee
Mr. D. Mondal
.....for the Petitioner
Mr. Debjit Mukherjee
Mrs. Rupsha Chakraborty
.....for the State
Mr. Alok Ghosh
Mr. Subhrangsu Panda
.....for the KMC

This writ petition has been filed against an order dated 20th June, 2019 passed by the Assistant Assessor Collector (South), Assessment Collection (S) Department, Kolkata Municipal Corporation. By the said order, the petitioner was given liberty to approach a Court of law questioning the validity of the Deed in question for being declared as illegal. By the said order, the concerned Department also noted that it was unable to process any mutation application of the premises in question.

Learned counsel appearing for the petitioner submits that the impugned order was passed by the Assistant Assessor Collector (South) whereas the hearing in the matter took place before the Assessor Collector (South).

Hearing took place pursuant to an order passed by a learned Judge of this Court.

Learned counsel appearing for the Kolkata Municipal Corporation submits that the impugned order has been passed by the incorrect authority and that the Assessor Collector (South) is the appropriate authority who should have passed the impugned order.

The State is represented.

In view of such submission, the impugned order dated 20th June, 2019 is set aside. The Assessor Collector (South), Assessment Department, Kolkata Municipal Corporation, being the respondent no.4, is directed to pass a reasoned order upon hearing all concerned parties within a period of three weeks from the date of communication of this order.

WPA 13969 of 2019 is disposed of along with both the connected applications, being CAN 1 of 2020 and CAN 2 of 2020.

(Moushumi Bhattacharya, J.)