

10.9.2021
Court No. 19
Item no.12
sn

WPA No. 81 of 2020

Rajendra Prasad Poddar Vs. Kolkata Municipal Corporation

(via video conference)

Mr. Sourabh Guha Thakurata
Mr. Parvej Anam ..for the petitioner

Mr. Biswajit Mukherjee
Mr. Gopal Chandra Das ..for the KMC

The petitioner is aggrieved by inordinate delay on the part of the competent authority of the Kolkata Municipal Corporation in mutating the name of the Company M/s. Shiv Pariwar Housing Pvt. Limited of which the petitioner is one of the Directors. Mutation is to be effected in respect of 15 cottahs of land in premises no. 13/1, Beliaghata Road, Ward No.57 under the Kolkata Municipal Corporation.

Records reveal that hearings were held sometime in 2015 and the erstwhile owner of the portion sold to the petitioner submitted the documents as required by the Chief Manager (Revenue South) of Kolkata Municipal Corporation.

It is submitted by the learned advocate for the petitioner that all required documents have been supplied to the authorities and further documents which have been asked for by the authorities are not

relevant for the purpose of mutation. That the authorities are not to enter into the question of title and the mutation should be effected on the basis of the sale deed and other documents supplied by the petitioner and also the erstwhile owner.

Mr. Mukherjee, learned advocate for the Kolkata Municipal Corporation submits that although the Corporation cannot enter into the title but the Corporation has to be satisfied that the petitioner has rightly purchased the said plot and his claim to the same is unencumbered. The Corporation also has to ascertain that no litigation is pending with respect to the portion of land purchased by the petitioner. The upto date property tax must be paid.

It is unfortunate that the matter has not been disposed of by the Corporation since 2015 although several hearing have been held.

Under such circumstances, the petitioner is directed to approach the authorities by filing a fresh application for mutation in accordance with law and supply all necessary documents, which are in his possession and relevant for the purpose. The Corporation shall also call the erstwhile owner for a hearing and dispose of the application of the petitioner upon hearing the petitioner, the land owner and other interested parties, who may have any claim on the said plot.

If the petitioner fulfils the requirements under the law, then the mutation shall be effected within six weeks from the date of receipt of the documents from the petitioner. If the petitioner does not fulfil the requirements then the authority shall indicate to the petitioner what compliance shall be necessary, thereafter the mutation shall be effected after due compliance. The entire exercise shall be completed within a period of two months from the date of receipt of such compliance.

This Court is of the opinion that a bonafide purchaser for value should not be unnecessarily harassed by the Corporation by requiring such documents which are not even in the possession of the purchaser, unless it appears that there are rival claims and litigation over the portion purchased by the petitioner and/or the dues of the Corporation have not been paid.

This Court has not gone into the merits of the claims and counterclaims of the parties.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)