

06.08.2021
Court No. 19
Item no.09
CP

WPA 2385 of 2021

Arindam Das
VS
The State of West Bengal & ors.

(via video conference)

Mr. S. Datta,
Mr. Tapas Singha Roy
Mr. Saradindu Sengupta

.....for the petitioner.

Mr. Sayuj Banerjee
Mr. T. Talukdar

....for the Municipality.

Mr. Malay Krishna De
Md. Mansoor Alam

.....for the State respondents.

The writ petition has been filed challenging inaction on the part of the chairman/chairperson/board of administrators of Konnagar Municipality in disposing of the demand of justice made by the petitioner through his learned advocate dated December 5, 2020.

The petitioner has prayed for mutation of his name in respect of properties situated at Holding Nos. 143 and 144, G.T. Road (West), Post Office – Konnagar and Police Station – Uttarpara, Dist.- Hooghly.

It is the contention of the petitioner that the petitioner by three registered deeds of gift executed by his grandfather, late Amiya Bhuson Das, had become the owner in respect of the properties, details of which have been mentioned in the demand of justice. The petitioner filed appropriate applications as also representations before the concerned municipality. The said application for mutation has not yet been disposed of and the name of the petitioner has not been mutated in respect of the lands in question.

Mr. Banerjee, learned advocate appearing on behalf of the municipality, submits that due to objection received from some co-sharers, the mutation could not take place. He further submits that a civil suit is pending between the parties which has stood as a bar for effecting mutation.

Be that as it may, this court is of the opinion that, where there is an application for mutation pending before the municipality, the competent authority of the municipality should dispose of the same in accordance with law.

This writ petition is disposed of with a direction upon the competent authority/chairperson/board of administrators of the Konnagar Municipality to dispose of the demand of justice filed by the petitioner in accordance with law upon giving the

petitioner and the objectors an opportunity of hearing. A reasoned order shall be passed and communicated to all parties. The petitioner shall be intimated the reasons if the mutation cannot be done upon consideration of the records.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)