

05.03.2021
SL No. 30
Court No.24
(P.M.)

WPA 2506 of 2021

**Bidhan Chowdhury & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Debanshu Ghorai
... for the petitioners

Petitioners submit that the Panihati Municipality has mutated the property at Holding No. 83, Bibhuti Mukherjee Road, Ward No. 22 without looking into the proper documents.

According to the petitioner the portion of the said holding which has been mutated in the name of the private respondent is used as common space by the parties. Municipality ought not to have mutated the same in favour of the private respondent.

The petitioners raised an objection before the Executive Officer of the Panihati Municipality by a letter dated 31st October, 2020 and gave further reminders by letters dated 3rd December, 2020 and 5th January, 2021. None of the representations of the petitioners have been considered by the respondent authority till date.

None appears on behalf of either Panihati Municipality or the private respondent despite service. Affidavit of service filed in Court is taken on record.

As it appears that the petitioner has raised objection with regard to the mutation which was done in favour of the

private respondent and the same is pending consideration at the end of the Panihati Municipality, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Panihati Municipality to take steps for consideration of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, at the earliest, but positively within 31st May, 2021. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

Panihati Municipality shall not enter into and decide any dispute with regard to right, title and interest of the parties at the time of consideration of the representation of the petitioner.

WPA 2506 of 2021 stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)