

WPA 4031 of 2021

Amlan Biswas

-Vs-

The State of West Bengal & ors.

(Via Video Conference)

Mr. Shankar Biswas
Mr. Ejaz Khan

... for the petitioner

Mr. Tarun Kr. Ghosh
Ms. Debarati Sen

... for the State

Mr. Bikash Kumar Roy

... for the Garulia Municipality

The writ petition has been filed alleging inaction on the part of the authorities of Garulia Municipality. It is the contention of the petitioner that by virtue of a deed of gift executed by one Aparna Biswas, the petitioner became the owner of an area measuring about 1100 sq.ft with proportionate share in the common passage situated on the ground floor of Premises No. 17/1, West Ghoshpara Road and Sodla Tank Road in Ward No.12 of Garulia Municipality. The same is a godown to be used for commercial purposes.

The petitioner applied for mutation in accordance with law on January 10, 2020. It is the contention of the petitioner that the municipality verbally demanded Rs.1,95,307.00/- over and above the mutation fees. According to Mr. Biswas the demand was unauthorised and illegal. He prays that the municipality be directed to mutate the property in

the name of the petitioner.

There is nothing on record to show that such a demand was made by the municipality.

However, it appears that the petitioner has made a representation before the municipality which is at page 47 of the writ petition.

The writ petition is disposed of by directing the Chairperson, Board of Administrator, Garulia Municipality to dispose of the representation filed by the petitioner in accordance with law. A reasoned order shall be passed and communicated to the petitioner.

However, it is made clear that the authority shall give a hearing to the petitioner and allow the petitioner to rely on all supporting documents, circulars of the department of Municipal Affairs and decisions in support of his contention. If, in the opinion of the authority mutation cannot be granted, the reasons shall be disclosed in the order. If the petitioner is required to fulfill certain obligations under the law, the same shall also be mentioned in the order.

This Court has not gone into the merits. The competent authority of the said municipality shall decide the entire issue in accordance with law.

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

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the learned
advocates' communication.

(Shampa Sarkar, J.)