

S/L 20
19.08.2021
Court. No. 19
GB

WPA 4525 of 2021

Sanjay Kumar Mishra & Anr.
Vs.
The Howrah Municipal Corporation & Ors.
(Through Video Conference)

Mr. Nilendu Bhattacharya,
Mr. Kapil Guha.

...for the Petitioners.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

...for the Howrah Municipal Corporation.

Affidavit-of-service filed in Court today be kept with the record.

Mr. Bhattacharya, learned advocate appearing on behalf of the petitioner submits that the name of the petitioner had been mutated in respect of the Flat No.301, situated at 21, Rajani Kanta Sen Lane, Police Station and District – Howrah by the Howrah Municipal Corporation. Later on the Howrah Municipal Corporation issued a tax receipt mentioning one Mr. Sukumar Chandra Mukherjee, since deceased, as the owner, in place of the petitioner, although the said tax was tendered by the petitioner after the mutation was affected.

Mr. Banerjee, learned advocate for the Howrah Municipal Corporation submits that upon information that the flat had been constructed on a thika property, the name of the erstwhile owner was inserted in the records. He

further submits that on receiving the representation from the petitioner a hearing has been held and upon considering the records filed by the petitioner as also the other interested parties, the Corporation realized the mistake. As no final order has been passed, the writ petition is disposed of directing the competent authority of the Howrah Municipal Corporation to pass the final order with regard to the allegations of the petitioner. If it is found that the petitioner's name had been rightfully mutated but the name of the erstwhile owner was inserted by mistake in that case, necessary corrections shall be done by the authority following the provisions of law.

The Court has not gone into the merits of the claims of the petitioner.

The competent authority of the Howrah Municipal Corporation shall pass the final order, communicate the same and to the needful as may be decided, within four weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)