

12.08.2021
Sl. No.9
srm

W.P.A. No. 6766 of 2021
Kolkata Nagarik Sammelan
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Saumyajit Ghosal,
Ms. Pallabi Sutradhar

...for the Petitioner.

Mr. Debjit Mukherjee,
Mr. Jayanta Kumar Dhar

...for the KMC.

Mr. Wasim Ahmed Khan,
Mr. Tauseef Ahmed Khan

...for the State.

Affidavit-of-service is taken on record.

Even though the respondent Nos.7 and 8 are not represented, the writ petition is taken up as no mandatory directions are being passed affecting the rights of any of the parties.

The petitioner alleges non-cooperation of the Kolkata Municipal Corporation in entertaining the petitioner and/or the representatives of the society when they approached the corporation for mutation of the name of the society with respect to Plot No.16B/3, Raipur Road East, Kolkata-700032, Ward No.96, Police Station-Jadavpur. It is averred that the society became the owner of the said plot by execution of a registered deed of gift dated June 28, 2017. The petitioner has

approached the corporation by filing a demand of justice dated October 16, 2020, which admittedly has not yet been disposed of by the Kolkata Municipal Corporation.

Mr. Mukherjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation, submits that even after making an enquiry in the relevant office, the corporation has not found any application for mutation in prescribed form. The written instructions are taken on record.

Under such circumstances, the competent authority of the corporation, that is, the Assessor-Collector(TTD), Gariahat Office is directed to dispose of the demand of Justice made by the petitioner upon hearing the petitioner, respondent Nos. 7 and 8 and such other person claiming to have any interest on the said property. A reasoned order shall be passed. The entire exercise shall be completed within a period of eight weeks from the date of communication of this order. All parties shall be allowed to file supporting documents in their favour.

Mr. Ahmed's contention is that the allegations are against the corporation and not the police authorities. Although the petitioner submits that the police authorities have not given adequate protection to the petitioner, such issues cannot be decided in this writ petition and this order is only restricted to the direction upon the corporation.

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.)