

19.07.2021
Court No. 19
Item no.9
sn

WPA No. 10978 of 2021

SMT. KANCHAN JAIN VS. THE STATE OF
WEST BENGAL &N ORS.

(via video conference)

Mr. Mrinal Das
Mr. Raja Adhikari
...for the petitioner

Mr. Tapas Adhikari
Mr. Bipin Ghosh
..for the State

Mr. Debabrata Saha Roy
Mr. Arka K. Nag
Mr. Subhankar Das
..for the respondents 2-4

This writ petition has been filed challenging inaction on the part of the Bidhannagar Municipal Corporation in granting mutation in the name of the petitioner for Flat No 4B, Fourth Floor, in premises no. EB-9, Deshbandhu Nagar, P.S. Baguihati, Kolkata 700059 Ward No. 10, District North 24 Parganas, falling within the limits of the Bidhannagar Municipal Corporation.

It is the contention of the petitioner that the other flat owners had been given mutation certificates by the Rajarhat-Gopalpur Municipality but the name of the petitioner has not yet been mutated in respect of the flat in question. Annexure P/6 to the writ petition also shows that some of the flat owners had already been granted mutation certificate in respect of their respective flats. The

petitioner further submits that before Bidhannagar Municipality had become a Corporation, the flat was within the jurisdiction of the Rajarhat-Gopalpur Municipality. Similar prayer for mutation had also been made before the Rajarhat-Gopalpur Municipality.

The learned Advocate appearing for the Corporation submits that as the petitioner could not supply certain documents, the mutation was not done and the mutation certificate was not given. The case of the petitioner is that only the completion certificate (C.C.) could not be given because the same is not custody of the petitioner but, all other documents required by the Corporation have been supplied. It is true that the mutation in respect of other flat owners on the basis of the C.C. have been allowed. The C.C. supplied by the other flat owners can be looked into while considering the case of the petitioner. Similarly, the sanctioned plan, provisional plan also must have been supplied by the other flat owners.

Under such circumstances, without going into the merits of the claims and counterclaims of the parties, this writ petition is disposed of directing the Bidhannagar Municipal Corporation to consider and dispose of the application for mutation filed by the petitioner dated April 19, 2021 in accordance with

law within a period of eight weeks from the date of communication of this order upon giving an opportunity of hearing to the petitioner. A reasoned order should be passed in accordance with law and communicated to the petitioner. The authority shall consider the documents on the basis of which other flat owners have been allowed mutation. This court only observes that if documents supplied by the other flat owners would serve the purpose, in that case, the same documents need not be asked for, from the petitioner.

This writ petition is thus disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)