

S/L 14
04.10.2021
Court. No. 19
GB

WPA 12943 of 2021

Tanusree Chakraborty
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Koushik Chatterjee,
Mr. Nilanjan Adhikari.*

...for the Petitioner.

*Mr. Tapas Kumar Adhikari,
Mr. Samir Kr. Ghosh.*

...for the State.

*Mr. Suprio Ray Choudhury,
Mr. Sankar Ghosh.*

...for the Respondent Nos.3, 4 & 5.

The writ petition was entertained only to the limited extent of assessing whether the allegations against the municipality were correct or not. To that, the municipality has filed a report claiming that the land was never taken over by the municipality. The land in question is not a municipal land as per the records. That the municipality did not fix the signboard. Declaration of the land as ‘Ramkrishnapally Sishu Uddan’ was not made by the municipality and no such ‘Sishu Uddan’ has been recorded in the municipal records.

It is submitted specifically by the municipality that the Ex-Chairman of the municipality, Sri Pradip Chakraborty in his private capacity had inaugurated and founded a Shiva Temple and had named the land as a Sishu Uddan. That

Barasat municipality disowns any responsibility with regard to the aforesaid Sishu Uddan and Shiva Temple.

Thus, the writ petition is disposed of without any order against the municipality. The report filed by the police authority shows that the predecessor-in-interest of the petitioner had purchased the land in 1982 and after the demise of the said predecessor-in-interest of the petitioner, the other heirs and legal representatives had granted a power of attorney in favour of the petitioner to do all acts in respect of the said land in question. Admittedly, the land has been used as a play ground and there is a temple used by the villagers. Till now neither the petitioner nor the petitioner's predecessor-in-interest had taken any steps with regard to asserting their rights over the property in question.

An application for mutation has been filed by the petitioner on September 13, 2021, subsequent to the filing of the writ petition. Thus, the writ petition is disposed of without any order. However, it is for the municipal authority to act and proceed on the application for mutation, which shall be dealt with in accordance with the provision of law and upon giving an opportunity of hearing to all concerned including the Ex-Chairman, who allegedly according to the municipality established the said Shiva Temple and has declared the land as a play ground in his personal capacity.

There will be no order as to costs.

All parties are to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)