

S/L 19
15.09.2021
Court. No. 19
GB

WPA 13168 of 2021

Nandini N. Suchde
Vs.
Bidhan nagar Municipal Corporation & Ors.

(Through Video Conference)

Mr. Sudip Deb,
Mr. Riju Ghosh.

...for the Petitioner.

Mr. Bipin Ghosh.

...for the State.

Mr. Debabrata Saha Roy,
Mr. Arka Kumar Nag,
Mr. Subhankar Das.

...for the Bidhannagar Municipal Corporation.

Despite service none appears on behalf of the respondent no.3.

The affidavit-of-service has been filed showing that the postal article sent to the respondent no.3 at her last known address has been refused.

The petitioner is aggrieved by two mutation certificates granted by the Bidhannagar Municipal Corporation, one in the joint name of the petitioner and the respondent no.3 and the other in the name of the respondent no.3 and others.

Records show that civil suits are pending between the parties and there is also an injunction restraining the defendant in the suit, that is, the respondent no.3 from transferring the suit property in favour of any third party.

Mr. Deb, learned advocate appearing on behalf of the petitioner submits that the Corporation could not have granted the mutation during the pendency of the civil suit, especially when the order of injunction was in force.

Mr. Das, learned advocate appearing on behalf of the Corporation submits that the mutation in the Corporation's record does not create any right in favour of the parties and, as such, even if the title suits are pending, the Corporation is not prevented from granting mutation on the basis of the prayers made by the respondent no.3.

Having heard the rival contentions of the parties, this Court is of the opinion that the mutations granted by issuing two separate certificates both dated August 11, 2021 shall abide by the result of the title suits pending between the parties and no special equity shall be claimed by any of the parties as owners of the flat, in whose favour the mutation has been effected, either in the civil suits or in any other proceeding arising out of the self-same property.

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.)