

Court No. 24

03.03.2021

(Item No. 14)

(AB)

W.P.A 11843 of 2020

Sankar Saha & Anr.

vs

The State of West Bengal & Ors.

Mr. Sajal Kanti Bhattacharyya

Mr. Sarthak Burman

..... for the petitioners

Mr. Sankar Halder

..... for respondent Nos. 2-4

Mr. Ayan Banerjee

.....for the State

The petitioners are aggrieved by the action taken by the Krishnanagar Municipality by which the mutation which was allowed in their favour on 10th December, 2020 has been abruptly cancelled on 22nd December, 2020 without any reason whatsoever.

It appears from the order dated 22nd December, 2020 that the Executive Officer cancelled the mutation in respect of the holding in question due to “dispute of land under this Municipality”.

The learned advocate appearing on behalf of the Krishnanagar Municipality fails to satisfy with regard to the alleged dispute due to which mutation stood cancelled.

According to law, if there is any change in the mutation records then a notice of hearing or an opportunity is to be given to the person whose name is deleted from the records. It appears that by order dated 10th December, 2020 the Municipality mutated the name of the petitioners in respect of the holding in

question. The same could not have been changed and or cancelled without giving any opportunity of hearing to the petitioners.

Accordingly, the order passed by the Executive Officer on 22nd December, 2020 cancelling the mutation in favour of the petitioners is hereby set aside and quashed. The Municipality will be entitled to take steps in accordance with law, if so advised.

W.P.A. 11843 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)