

OD-5

ORDER SHEET
WPO/381/2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TAPATI MUKHERJEE ALIAS MUKHUTI
VS
THE MUNICIPAL COMMISSIONER, THE KOLKATA MUNICIPAL
CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 24TH November, 2021.

Appearance :
Mr. S. Bhattacharya, Adv.
Ms. S. Sanyal, Adv.

Mr. R. Chatterjee, Adv.
Ms. M. Nath, Adv.

The Court : The petitioner has challenged a mutation granted in respect of the respondent Nos. 4 and 5 by the Kolkata Municipal Corporation in respect of premises No.35/1A, Rajani Gupta Row, Police Station Muchipara, Kolkata-700009. The petitioner claims to be a tenant under an alleged trust and has annexed rent receipts to show that rent was initially paid to the administrator/administratrix of the estate of Krishna Mohan Dutta (Deceased) and thereafter being depositing before the rent controller.

The petitioner does not have any locus to challenge the mutation granted to any person as he is a tenant of the property. Moreover, the trust or the Administrators have not challenged the mutation. It is not

known whether the respondent Nos. 4 and 5 have acquired any right, title and interest over the property in question or otherwise, as per law. Mutation itself does not create any title. The petitioner's possession shall be guided by the regular tenancy laws applicable. In any event, the tenant cannot question the title of landlord.

WPO No.381 of 2020 is disposed of.

(SHAMPA SARKAR, J.)

S.De