

M/L 101
05.7.2022
Court No.24
SD

WPA 5141 of 2021

Siti Kantha Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Subrata Dey
Mr. Subrata Mukherjee

...for the Petitioner.

Mr. Rajarshi Basu
Mr. S.T. Mina

...for the State.

The petitioner is aggrieved by the act of the Municipality in mutating the property in Ward No.13 (Old), 14 (New), Holding No.723/511 by ignoring the Memo being No.5273(8)/E/Misc.11/Kharagpur (Khasmahal)/2015 issued by the Additional District Magistrate & District Land & Land Reforms Officer, Paschim Medinipur.

It has been submitted that as per the aforesaid Government memo, Mouza – Kharagpur Khasjungle, J.L. No.142 is a Khasmahal mouza being exclusive property of the Government. The process of granting long term settlement in the above mouza is under progress. The Municipality has been requested not to provide any water connection to any household or effect any mutation of any holding or issue any holding number to any premises on the above stated land without express written permission from the Additional District Magistrate & District Land & Land Reforms Officer, Paschim Medinipur. All registration of property under the said mouza has been directed to be stopped immediately

from the end of the ADSR KGP or any other ADSR of the district or DSR-I Medinipur.

The petitioner submits that a representation has also been filed by the petitioner before the Executive Officer of the Kharagpur Municipality objecting to the mutation in respect of the above holding and alleges that the said representation has not been taken up for consideration till date.

As it appears that the representation filed by the petitioner is pending consideration at the end of the Executive Officer of the Kharagpur Municipality, accordingly, the instant writ petition is disposed of by directing the respondent no.3 to consider and dispose of the said representation strictly in accordance with law and the relevant Circular mentioned hereinabove at the earliest but positively within a period of eight weeks from the date of communication of this order.

The aforesaid respondent shall afford an opportunity of hearing to all the necessary parties prior to taking the final decision in this matter. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated December 21, 2020 and a copy of the aforesaid Government Order dated June 19, 2015 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)