

Item No. 19

26.07.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 10321 of 2021  
Masrur Alam

v.

The Kolkata Municipal Corporation & Ors.

Mr. Swarup Banerjee  
Mr. Arindam Chatterjee  
Md. Salman  
... for the petitioner.

Ms. Jhuma Chakraborty  
Mr. Aritra Ghosh  
... for the State.

Mr. Ranajit Chatterjee  
Mr. Anujit Mookherjee  
... for KMC.

Mr. Md. Rehan  
... for the respondent no. 6.

The petitioner is aggrieved by the steps taken by the Kolkata Municipal Corporation to alter the records in respect of the Premises No. 24/1A, Chandra Nath Road, Police Station- Tiljala, Kolkata-700 039 without giving opportunity of hearing to the erstwhile recorded owners.

The petitioner happens to be recorded as one of the persons liable to pay tax in respect of the aforesaid property by the Kolkata Municipal Corporation. The property tax bill issued by the Kolkata Municipal Corporation for the year 2004-2005 reflects the name of the petitioner as one of the persons liable to pay tax.

The petitioner submits that the said record has been altered by incorporating the name of one Md. Salman Saifi by deleting the names of the erstwhile persons without giving any opportunity of hearing to the petitioner.

The petitioner submits that an objection was already filed before the Kolkata Municipal Corporation on April 5, 2021. Prior to the aforesaid objection the petitioner claims to have submitted an objection in the online portal of the Kolkata Municipal Corporation on November 22, 2019 objecting to the mutation being granted in favour of a third person.

Learned advocate representing the private respondent in whose favour the property has been mutated by the Kolkata Municipal Corporation submits that his client purchased the property in auction and after the sale deed was registered, application was made for mutation before the Kolkata Municipal Corporation and the same has been acted upon.

Learned advocate representing the Kolkata Municipal Corporation submits that the Kolkata Municipal Corporation, on all probability, acted on the basis of the registered deed which was produced before the Corporation and over the counter the mutation was effected.

As it appears from records that an objection was already there on place filed by the petitioner regarding mutation the property in favour of a third person, the Corporation ought to have given a prior opportunity of hearing to the petitioner.

In the present case, it appears that the mutation was effected without hearing the petitioner.

In view of the above, the instant writ petition is disposed of by directing the Assessor Collector (South) being the respondent no. 4 herein to consider the objection filed by the petitioner regarding mutation in favour of the private respondent strictly in accordance with law, after giving a reasonable opportunity of hearing to the petitioner and all other necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated April 5, 2021 along with other supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

As the writ petition is being disposed of without calling for affidavits, the allegations made in the writ

petition are deemed not to have been admitted by the respondents.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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**(Amrita Sinha, J.)**