

21.02.2022  
Court. No. 19  
Item no. 14  
Cp

WPA 10355 of 2019

Smt. Anupama Das  
Vs.  
The Kolkata Municipal Corporation & Ors.

Mr. Siva Prasad Ghose  
... for the Petitioners.

Mr. Subhrangsu Panda  
... for the K.M.C.

Despite service, none appears on behalf of the respondents. Affidavit of service showing that the notice of mentioning has been served upon the respondents, is filed in court.

The petitioner is aggrieved by the inaction of the Assessor-Collector (North) in disposing of the representation of the petitioner dated November 2, 2017, filed in connection with the prayer for mutation of the name of the petitioner in respect of Premises No. T-16 N, Jaharlal Dutta Lane, P.S. Ultadanga, Kolkata – 700067. It is the contention of the petitioner that the mutation fees were also deposited with the corporation sometime in 2010. The application for mutation was also filed in 2010. Strangely, the Kolkata Municipal Corporation has not yet taken a decision with regard to such application for mutation.

It is open to the corporation to allow or disallow the mutation in accordance with law, but it is not open for the corporation and the authorities who are amenable to the writ jurisdiction of this court, to sit idle over such application. Such inaction only raises a question as to the competence of the officials who are responsible for discharging public duties.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the corporation to dispose of the representation of the petitioner and decide on the application for mutation filed by the petitioner in accordance with law within two months from the date of communication of this order. While doing so, the petitioner shall be heard. The petitioner shall be allowed to submit all documents in support of her claims for mutation.

If it appears during the course of hearing, that there may be other parties who are required to be heard, the corporation shall be at liberty to hear them as well and allow them to submit their written statements.

With the above observations, the writ petition is disposed of.

Needless to mention, that a reasoned order shall be passed and communicated to the petitioner. The

question of title, encroachment etc. shall not be gone into. The corporation will only decide as to whether the name of the petitioner, subsequent to the purchase of the said premises should be mutated or not.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues shall be decided independently.

Petitioner is directed to serve a copy of the writ petition along with the server copy of this order upon the competent authority of the Corporation.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**