

Item No. 112 (ML)

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

12.09.2022  
Ct-24

WPA 12480 of 2021

Sri Ramakant Singh & Anr.  
v.  
The State of West Bengal & Ors.

Mr. Partha Pratim Ray  
Mr. Dyutiman Banerjee  
... for the petitioners.

Mr. Sibnarayan Chattopadhyay  
Mr. Debjyoti Ghosh  
... for the respondent no. 6.

None appears on behalf of the Baidyabati  
Municipality despite service.

The petitioners submit that Baidyabati  
Municipality incorporated the name of the respondent  
no. 6 in the records of the Municipality relying on the  
deed of gift.

The Municipality, prior to effecting the mutation,  
did not afford any opportunity of hearing to the  
petitioners.

The petitioners challenged the concerned deed of  
gift before the Civil Judge (Junior Division), 2<sup>nd</sup> Court,  
Serampore, Hooghly by filing a Title Suit. The said Suit  
stood decreed in favour of the petitioners on February 2,  
2019.

The petitioners submit that relying on the said decree, the petitioners applied before the Municipality for making the necessary correction in the municipal records by filing representation on April 12, 2021 followed by a notice demanding justice through the learned advocate on April 21, 2021.

The petitioners complain that the Municipality is yet to take steps in response to the representation filed by and on behalf of the petitioners.

It has been submitted that as the deed relying upon which the mutation has been effected has already been declared to be invalid and legally inoperative, accordingly, the Municipality ought to change the municipal records by deleting the name of the private respondent and steps ought to be taken for restoring the records back to the original position.

Learned advocate representing the private respondent is not ready with proper instruction in the matter.

As it appears that the Municipality is yet to take a decision on the representation filed by and on behalf of the petitioners, accordingly, the instant writ petition is disposed of by directing the Municipality and its Chairman to take a decision in the matter in the light of the decree passed by the learned Civil Judge and upon giving reasonable opportunity of hearing to the

petitioners as well as the private respondent and thereafter pass a reasoned order in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The Municipality is directed to pass a reasoned order and communicate the same to the parties immediately thereafter.

Learned advocate for the petitioners is directed to forward a copy of the decree along with the representation filed by and on behalf of the petitioners to the aforesaid respondents at the time of communicating the order of this Court.

All necessary consequential steps shall be taken by the Municipality upon conclusion of the hearing.

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.

Sh

**(Amrita Sinha, J.)**