

6.12.2022

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WPA 14430 of 2021

Shikha Choudhury & Anr.
Vs
The State of West Bengal & Ors.

Mr. Subhankar Das,
Mr. Bikram Sarkar,
Mr. G.C. Banerjee
... For the Petitioners.
Mr. Alok Kumar Ghosh,
Mr. Swapan Kumar Debnath
... For the KMC.

The petitioners are aggrieved by the order passed by the Chief Manager (Market), Kolkata Municipal Corporation refusing the prayer of the petitioners to mutate 50% the stall No.W1-049 of Sir Stuart Hogg Market (Phase-II)/New Market (New Complex) in their names.

The Chief Manager (Market) has recorded in the impugned order that the brother of Mrityunjoy Choudhury i.e. Sri Asoke Choudhury swore an affidavit before the learned Metropolitan Magistrate, Calcutta on 11th January, 2015 relinquishing his lease hold right in favour of Mrityunjoy Choudhury more than four years before his death.

The petitioners are the heirs and legal representatives of late Asoke Choudhury.

Relying on the document produced by Mrityunjoy Choudhury, the Chief Manager (Market) mutated the

shop in his favour by over ruling the objection made by the petitioners.

The Court does not find any error in the order impugned. If the petitioners intend to challenge the affidavit sworn by Asoke Choudhury, then the petitioners ought to approach the appropriate forum for the same. It was not for the Chief Manager(Market) to enquiry and adjudicate the veracity of the documents produced by the private respondent seeking mutation.

In view of the above, the order impugned is not required to be interfered with. The writ petition is hereby dismissed.

Affidavit-of-service filed in court is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)