

S/L 5
21.02.2022
Court. No. 19
GB

W.P.A. 15042 of 2021

K.I.C. Resources Limited
VS
The Panihati Municipality & Anr.

*Ms. Kum Kum Mukherjee,
Mr. Sourojit Dasgupta.*

...for the Petitioner.

Mr. Bikash Kumar Chatterjee.

...for the Municipality.

The petitioner developed a property situated at Holding No.47 (Old Holding No.38), Barasat Road, Ward No.32, Kolkata-700072 under Panihati Municipality.

It is the contention of the petitioner that the Panihati Municipality has failed and neglected to mutate the name of the petitioner in respect of three flats, which he retained in the said building as the developer's share. It is further contended that the refusal to mutate the name of the petitioner in respect of the three flats was because the developer did not pay the arrear taxes. It is submitted that the Municipality has been claiming more than Rs.2 lakhs as arrear taxes in respect of the flats in the said building and is imposing the entire liability on the developer. It is further submitted that the developer has let out one of the flats, which is run as a diagnostic centre and the Municipality has failed to renew the trade licence in respect of the said diagnostic centre only because huge taxes which are to be paid by the petitioner are due.

Mr. Chatterjee, learned advocate appearing on behalf of the Panihati Municipality submits that names of 35 flat owners have been mutated and the other flat owners have not yet applied. That the flats which were retained by the petitioner, could not be mutated in the name of the petitioner, because more than Rs.2 lakhs is due and payable by the petitioner in respect of the said flats against arrear dues of property tax. He has submitted a report in this regard.

Without going into the merits of the claims and counter-claims of the parties, the writ petition is disposed of with a direction upon the competent authority of the Municipality to treat the writ petition as a representation and pass a reasoned order. The petitioner and the representatives of the other flat owners as also any other persons interested with such construction shall be heard. The reasoned order shall clearly state the amount which is payable by the petitioner in respect of the flats. The calculations and justifications of such amount shall be reflected in the reasoned order. The order should also reflect why around 35 to 36 flat owners have been granted mutation, but the petitioner has been considered to be ineligible for grant of such mutation.

This Court is relegating the entire matter to the competent authority of the Panihati Municipality to decide all the issues raised in the writ petition including non-grant of trade licence in respect of one of the tenants

of the petitioner. The order shall be communicated to all concerned.

The entire exercise shall be completed within a period of three months from date of communication of this order.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)