

17.01.2022
Court No. 19
Item no.8
sn

WPA 15635 of 2021

Md. Sabir Rizvee & Another
Vs.
The State of West Bengal & ors.

Mr. Sanjoy Ghoshfor the petitioners

Mr. Saunak Bhattacharyya ..for the Corporation

Ms. Jhuma Chkraborty
Mr. A. Ghoshfor the State

Despite service, none appears on behalf of the
respondent no.6.

This matter relates to non-consideration of the
prayer of the petitioners by the Mayor of the Asansol
Municipal Corporation with regard to separation of a
holding and consequent mutation of the name of the
petitioners in respect of the portion of the holding no.
23/245, Dr. M.N. Saha Road, Ward No. 4, Asansol,
District Burdwan.

The learned advocate for the petitioners
submits that a portion of the said holding was
separated and sold by the respondent no.6 in favour
of the petitioners. Pursuant to such sale, the
Corporation was requested to bifurcate or separate
the said holding and mutate the name of the
petitioners in respect of the portion purchased by the
petitioners from the respondent no.6.

Having considered the rival contentions of the parties, this matter can be disposed of even if the respondent no.6 is not present, as no final direction is being passed by this Court affecting the rights of the parties. The issue has to be decided by the Corporation itself.

The competent authority of the Asansol municipal corporation shall treat the writ petition as a representation and dispose of the same within a period of three months from the date of communication of this order upon hearing the petitioners, the respondent no.6 and any other interested parties. A reasoned order shall be passed and communicated to the parties. This court has not gone into the claims and counter claims of the parties.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)