

Sl. No.102
19.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 16603 of 2021

Sri Benoy Kumar Gupta & Ors.
Versus
The State of West Bengal & Ors.

Mr. Tarak Nath Halder
Mr. Sagnik Chatterjee

... for the Petitioners

Mr. Biswajit Mukherjee
Ms. Piyali Sengupta

... for the Kolkata Municipal Corporation

Ms. Anita Khetri

... for the private respondent nos.9 to 11

The petitioner is aggrieved by the act of the Kolkata Municipal Corporation in mutating the name of the respondent nos.9 to 11 in the records of the Kolkata Municipal Corporation in respect of the first floor of premises no.115, Hem Chandra Naskar Road, Police Station Beliaghata, Kolkata-700 010.

The petitioners claim themselves as owners of the property and the private respondents as licensees.

According to the private respondents, they are co-owners of the property in question and they are not licensees.

Learned advocate representing the Kolkata Municipal Corporation submits that the Corporation

proceeded on the basis of declaration given by the petitioners before the Corporation in the year 1992.

It appears that Civil Suit is pending between the petitioners and the private respondents. An eviction suit is also pending at the instance of the petitioners before the learned Court below.

The purpose of mutation is only to identify person responsible to pay tax. The same neither creates nor extinguishes any title.

In view of the above, recording of the names of the private respondents in the record of the Kolkata Municipal Corporation shall not confer any better title upon the private respondents.

The parties will be at liberty to approach the competent forum with regard to declaration of title.

Writ petition accordingly, stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)