

S/L 20
04.01.2022
Court. No. 19
GB

WPA 16884 of 2021

Sk. Sahabuddin
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

*Mr. Prantick Ghosh,
Mr. Siddharta Sarkar.*

...for the Petitioner.

Mr. Sudarsan Roy.

...for the Municipality.

*Mr. Jahar Lal De,
Ms. Smita Das Dey.*

...for the State.

Mr. S.M. Obaidullah.

...for the Respondent No.5.

The allegations are against the North Dum Dum Municipality. According to the petitioner, the authorities of the North Dum Dum Municipality are intentionally not disposing of his application for mutation, which was submitted on June 8, 2020 before the competent authority of the North Dum Dum Municipality.

It is submitted by the petitioner that some dates were fixed for hearing but no final decision was taken in this regard.

Learned advocate for the respondent no.5 submits that the respondent no.5 has some objections with regard to grant of mutation in favour of the petitioner.

The petitioner seeks mutation with regard to the land measuring about 18 Cottahs 5 Chittacks 30 Sq.Ft. comprising in Dag Nos.238 and 239 appertaining to LR Khatian

No.733/2, District – North 24 Parganas, North Dum Dum Municipality, Ward No.34.

Records reveal that although hearing was initiated by the Chairperson, Board of Administrators, North Dum Dum Municipality, no final decision was communicated to the petitioner and the respondent no.5

Mr. Roy, learned advocate appearing on behalf of the Municipality submits that dates were fixed, but the petitioner had intentionally avoided appearing before the municipal authorities on the dates so fixed.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the competent authority of the North Dum Dum Municipality to conclude the process initiated on the basis of the application of the petitioner for mutation within a period of two months from date. 48 hours advance notice shall be given to the petitioner as also to the respondent no.5 with regard to the date of hearing.

The petitioner shall participate in the process and cooperate. No adjournment shall be given to either of the parties. The municipal authorities shall conclude the proceeding and intimate its decision to the parties within a period of two months from date.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)