

04. 19.07.2022
Bd. Ct.15

W.P.A. 15536 of 2018
With
CAN 1 of 2022

Sri Bholanath Shaw
-vs-
The Howrah Municipal Corporation & Ors.

Mr. Tapas Maity
... for the Applicant/petitioner

Mr. Pankaj Halder
Mr. Tapas Manna
... for the respondent no.7.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
... for the HMC

The matter relates to mutation and amalgamation of the plots of the petitioner for which the petitioner has approached the concerned authority of the Howrah Municipal Corporation. Based on such application for mutation and amalgamation order has been passed by the Deputy Assessor, Howrah Municipal Corporation on 18th July, 2018 whereby the prayer of the petitioner for mutation and amalgamation has been spurned. Such order dated 18th July, 2018 is the subject matter of challenge in the present writ petition.

This writ petition is being considered while

entertaining the application of the petitioner being CAN 1 of 2022 preferred by the petitioner for expeditious disposal of the connected writ petition since it appears to this Court after hearing the learned advocates representing the petitioner, Howrah Municipal Corporation being the principle respondent and the respondent no. 7 that at this stage the writ petition can be disposed of by passing necessary direction.

This Court has heard the learned advocates representing the petitioner, Howrah Municipal Corporation as well as respondent no. 7 and also perused the order dated 18th July, 2018 whereby the prayer for mutation and amalgamation of the petitioner has been turned down. At the first blush it appears that the order dated 18th July, 2018 is a cryptic order and simply on the ground of pendency of a legal proceeding the prayer for mutation and amalgamation has been turned down. No reason has been assigned in support of such decision by the Deputy Assessor, Howrah Municipal Corporation, as to why pendency of legal proceeding may cause difficulty in allowing application for mutation and amalgamation in favour of the petitioner. In view of such lacuna as indicated in the aforesaid impugned order dated

18th July, 2018 the same cannot survive and accordingly such order dated 18th July, 2018 stands set aside.

The application of the petitioner for mutation and amalgamation stands revived. The concerned authority of the Howrah Municipal Corporation is directed to take decision on such application for mutation and amalgamation within a period of eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the respondent no. 7. The concerned authority of the said Municipal Corporation is directed to communicate such decision to the petitioner and the respondent no. 7 within seven days thereafter.

However, it is made clear that if the application of the petitioner for mutation and amalgamation is refused in that event adequate reasons are to be assigned in support of the decision.

With the above direction the writ petition stands disposed of. Pending application being CAN 1 of 2022 also stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order,

if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)