

Item No.131

25.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16196 of 2019

Rajib Hui

-vs.-

The State of west Bengal & Ors.

Ms. Kabita Mukherjee
Mr. Manas Dasgupta
... for the petitioner.
Mr. P. Dhar
Mr. M. Goswami
Mr. P. Goswami
... for the Municipality.

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty
... for the State.

The petitioner is aggrieved by the resolution adopted by the Madhyamgram Municipality in realizing mutation fees with effect from August 1, 1999 at the rate as mentioned in the said resolution.

One of the prayers of the petitioner in the writ petition was for a direction upon the Municipality to complete the process of mutation and issue mutation certificate in favour of the petitioner.

The said prayer of the petitioner has been redressed as during the pendency of the writ petition mutation certificate has been issued in favour of the petitioner without charging the amount mentioned in the impugned resolution.

The petitioner intends to press the writ petition for setting aside the resolution adopted by the Municipality on July 31, 1999.

Learned counsel representing the Municipality produces a copy of the notification dated July 25, 2022 issued by the Department of Urban Development and Municipal Affairs, Government of West Bengal whereby the Government has prescribed the scale as mentioned in the said notification on account of service charges for effecting mutation of holdings in terms of the provisions of the West Bengal Municipal Act, 1993.

It has been submitted that in view of the publication of the notification dated July 25, 2022, there is no obligation on the part of the Municipality to realize mutation charges in terms of their resolution dated July 31, 1999. At present mutation charges will be payable in terms of the current notification dated July 25, 2022.

In view of the above, it appears that the cause of action for filing the writ petition does not survive. The resolution of the Municipality dated July 31, 1999 has lost its force by way of publication of the notification of the Government dated July 25, 2022.

The original mutation certificate of the petitioner has been handed over by the learned senior advocate representing the Municipality to the learned advocate appearing for the petitioner in Court today.

The writ petition accordingly stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities