

Sl. No.14
07.11.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18433 of 2022

Jnanendra Chandra Roy & Ors.
v.
The State of West Bengal & Ors.

Ms. Malabika Saha
... for the petitioners
Mr. Sandip Ghosh
Mr. Sudarsan Roy
Mr. Debayan Ghosh
... for the North Dum Dum Municipality
Mr. Debasish Ghosh
Mr. Debapriya Chatterjee
... for the State

The present writ petition has been jointly filed by nine petitioners. Each of the petitioners filed separate individual application for mutation of their respective flats, which has not been considered by the Municipality. The individual cause of action of the petitioners cannot be clubbed together to file a single writ petition for relief.

Accordingly, the present writ petition held is maintainable only in respect of the petitioner no.1 and the same is deemed to have been dismissed in respect of the petitioner nos. 2 to 9. However, the petitioner nos. 2 to 9 will be at liberty to file fresh writ petition for relief, if so advised.

The petitioner no.1 is a senior citizen. He applied for mutation of his premises by making application for mutation, offline, in the year 2020. The same was not acted upon. The petitioner no.1 made further application for mutation, online, on 19th January, 2022. The same is yet to be taken into consideration.

Learned advocate for the Municipality is not aware of the reason for delay in taking step in response to the application filed online for mutation of the subject premises.

The inaction of the Municipality cannot be supported in law. It is the incumbent duty of the Municipality to take prompt steps to consider and dispose of the application for mutation and not keep the same pending without any plausible reason.

It appears that no communication was made by the Municipality after receipt of the application for mutation disclosing the reason for not acting in response to the same.

In view of the above, the present writ petition stands disposed of by directing the respondent no.4 to take prompt necessary steps in response to the application filed by the petitioner no. 1 for mutation of the subject premises strictly in accordance with law, at the earliest, but positively within a period of four weeks from the date of communication of this order.

The Municipality shall intimate the petitioner the formality required for mutation of the subject premises.

Affidavit of service filed in Court is taken on record.

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

(Amrita Sinha, J.)