

17.3.2022
Court No. 19
Item no.22
sn

WPA 19543 of 2021

Amit Sarkar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmedfor the petitioners

Mr. Tapan Coomer Dey
..for the KMC
Mr. Malay Kr. Singh
Ms. Neelam Singh
..for the State

Despite service none appears on behalf of the
respondent No. 8.

The petitioners are aggrieved by the failure on
the part of the Kolkata Municipal Corporation to
mutate the name of the petitioner no.1 in respect of
the premises no. 19/1B/1, East Topsia Road, Police
Station Tiljola, (presently Pragati Maidan,) in Ward
No. 66, Kolkata 700 039.

It is submitted by the learned advocate for the
petitioners that the name of the petitioner no.2 has
been mutated. Pursuant to the probate granted by
the Civil Court, the name of the petitioner No.1 must
be mutated in place of late Arun Kumar Sarkar, the
father of the petitioners, whose share in respect of
the said property had devolved upon the petitioners.

It is also submitted that the name of the petitioner no. 1 was already in the record but was subsequently deleted.

In any event, it is for the Corporation to decide the application for mutation in accordance with law upon hearing all the interested parties. Records reveal that the petitioners had been asked by the Corporation to submit documents with regard to the civil suit and the petitioners have already submitted the said documents.

Under such circumstances, this writ petition is disposed of with a direction upon the Assessor & Collector, Tollygunge Tax Department, the Assessment and Collection Department, Kolkata Municipal Corporation, to dispose of the application for mutation of the petitioners, in accordance with law upon hearing the petitioners as also the respondent no.8.

Parties shall be entitled to file their respective documents in support of their respective contentions.

A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of three weeks from the date of communication of this order.

This Court has not gone into the merits of the claims and counterclaims of the parties.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

Parties are to act on the server copy of this order and/or learned advocate's communication.

(Shampa Sarkar, J.)