

Sl. No.83
03.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20716 of 2021

Provat Kumar Sanyal
versus
The State of West Bengal & Ors.

Mr. Tulsi Das Maiti
Mr. Pradip Kumar Ghosh
... for the Petitioner

Mr. Sudipta Panda
Mr. Rama Halder
... for the State

The petitioner claims to be the probate holder of the property of the deceased Debasish Sanyal. Probate was granted in favour of the petitioner and his two sons on 8th October, 2021. The petitioner claims ownership on the basis of the probate granted by the Court.

The petitioner applied before the Nabadwip Municipality for mutation of the property in terms of the probate granted by the Court on 8th October, 2021.

The petitioner alleges that the representation before the Municipality dated 8th November, 2021 has not been answered till date.

Learned advocate representing the Municipality submits that there is an objection raised by one Rina Saha.

As it appears that the petitioners claims ownership on the basis of the probate granted by the competent Court accordingly, it is the bounden duty of the Municipality to take steps for mutation in terms of the probate granted by the Court.

From the order passed by the Court it does not appear that the aforesaid Rina Saha is a party to the probate proceeding. The Court is not aware of the status of the aforesaid complainant who is objecting to the mutation in favour of the petitioner.

The Nabadwip Municipality is directed to take steps strictly in terms of the probate granted in favour of the petitioner and his two sons by the competent Court.

A decision shall be taken by the Municipality upon consideration of the representation filed by the petitioner on 8th November, 2021 at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The Municipality shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 8th November, 2021 along with a copy of the Will and a copy of the probate to the Municipality at the time of communicating the order of the Court.

Affidavit of service filed in Court is kept with the records.

Writ petition stands disposed of.

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

(Amrita Sinha, J.)