

32
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 24974 of 2022

**The Bengal Secretariat Co-operative
Land Mortgagee Bank & Housing
Society Ltd. & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. D.K. Sengupta,
Ms. Sweta Saha.
...For the Petitioners.**

**Mr. Debjit Mukherjee,
Mr. Jayanta Dhar.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

The matter relates to the Premises No.1, Gariahat Road.

The petitioner No.1 claims to be the sole and absolute owner of the said plot of land and is in possession of the same since 1947. Kolkata Municipal Corporation issued property tax bills in respect of the said premises in the name of the recorded owner, the petitioner No.1.

All on a sudden in the year 2016-17 the Corporation, in the property tax bill, mentioned the name of the owner of the said premises as Kolkata

Municipal Corporation and recorded the petitioner No.1 as occupier of the same.

Learned advocate appearing for the petitioners submits that the change in the records have been made without affording any opportunity of hearing to the petitioners in whose favour the property stood recorded.

The petitioners applied for correction of the records of the Corporation.

The Sub-Assistant Engineer (Civil), Chief Valuer Surveyor's Department issued a notice to the learned advocate appearing for the petitioners requesting a copy of the site plan/key plan for processing the matter of correction of the name of the recorded owner.

It has been pointed out that the required documents have duly been forwarded to the concerned authority. The petitioners complain that no steps have been taken for correction of the municipal records till date.

Learned advocate appearing for the Kolkata Municipal Corporation submits, upon instructions, that the authority is yet to receive the copy of the site plan/key plan as mentioned in the communication dated 5th August, 2022.

It has been submitted that the moment the aforesaid copy is forwarded, necessary steps shall be taken in the matter.

It appears from the documents annexed to the writ petition that the premises in question was recorded in favour of the petitioners for a considerable period of

time and Corporation issued the property tax bill in favour of the petitioners, but for unknown reasons, changed the records without affording an opportunity of hearing to the petitioners.

The petitioners have duly forwarded the site plan/key plan to the concerned authority as will be evident from the track report of the postal authority. Steps have not yet been taken for effecting the necessary correction.

According to law, it was the duty of the Kolkata Municipal Corporation to afford an opportunity of hearing prior to correcting the records. The same has not been done and the correction has been made unilaterally. The petitioners have already forwarded the site plan/key plan of the property.

As the authority of the Corporation submits that they are yet to receive the copy of the same, accordingly, the petitioners are directed to forward a further copy of the site plan/key plan to the Sub-Assistant Engineer (Civil), Chief Valuer Surveyor's Department along with a copy of this order.

The respondent No. 4 is directed to take necessary steps in the matter to consider the prayer of the petitioners for correcting the municipal records in accordance with law, relying upon the documents submitted by the petitioners, after giving an opportunity of hearing to the representative of the petitioner No.1 at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order. A reasoned order shall be passed and communicated to the petitioners immediately thereafter.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)