

List dt.6.6.22
Item No. 189
20.06.2022
d.p.

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

W.P.A. 23773 of 2019

**Ashima Dey & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Debabrata Acharya,
Mr. Sital Samanta.
...For the Petitioners.**

**Mr. Mir Anuruzzaman.
...For the Municipality.**

**Mr. Manas Kundu,
Ms. Protiva Ghatak.
...For the State.**

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

The petitioners seek mutation of the property in respect of the land and structure situated at Mouza Kumrakhali, Pargana Medenmolla, P.S.-Sonarpur, District-South 24-Parganas, Touzi No. 261, R.S. No. 131, J.L. No. 48, R.S. Khatian No. 959, R.S. Dag No. 1560 having postal address P-9, Nilachal Complex, 1st Row, Mandir Gate, P.O.-Narendrapur, P.S. Sonarpur, Pin-700103.

The petitioners submit that pursuant to an order passed by this Court on 19th November, 2018 in W.P. 20540 (W) of 2018, a hearing was conducted by the Rajpur-Sonarpur Municipality on 16th April, 2019.

The grievance of the petitioners is that the fate of the hearing held on 16th April, 2019 has not been intimated to the petitioners till date.

Learned advocate appearing for the Municipality submits, upon instructions, that at the time of hearing the petitioners were intimated for providing copies of certain documents including the tax receipt and the sanctioned plan of the structure which is standing on the said plot of land.

As the petitioners failed to produce the aforesaid documents, further steps could not be taken for mutating the property.

It has been candidly admitted that no formal order of hearing has yet been communicated to the petitioners.

As it appears that the hearing was held way back on 16th April, 2019, it is incumbent for the Municipality to intimate the petitioners the fate of the said hearing. The documents which are required to be produced by the petitioners shall also be communicated to them.

The Municipality shall accordingly, intimate the fate of the hearing and the details of the documents required to be submitted by the petitioners at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

If required, the Municipality may afford a further opportunity of hearing to the petitioners to conclude the process of hearing which is kept pending from 2019 onwards.

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.)