

Item No. 3

22.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 10591 of 2020
Amita Dey
v.
The State of West Bengal & Ors.

Mr. Haridas Das
... for the petitioner.

Ms. Piyali Sengupta
Mr. Ratul Das
... for the State.

The prayer of the petitioner for apportionment and mutation of Flat No. 2D on the 2nd floor of the premises no. 23A, Shyama Charan Moitra Lane, P.S.-Cossipore, Kolkata-700036 under the jurisdiction of the Kolkata Municipal Corporation has been refused allegedly on the ground of pendency of the title suit being T.S. No. 265 of 2012 before the Learned Civil Judge (Junior Division) at Sealdah.

The petitioner has filed a supplementary affidavit annexing copy of the order dated April 21, 2021 mentioning that the aforesaid title suit has been dismissed for non-prosecution as the dispute between the parties was settled amicably, out of Court. The petitioner is not a party in the said title suit.

The petitioner filed a representation through the learned advocate before the Kolkata Municipal

Corporation on June 10, 2020. The same has not been considered till date.

None appears on behalf of the Kolkata Municipal Corporation.

The instant writ petition is accordingly disposed of by directing the Assessor Collector (North), Division-1 being the respondent no. 4 herein to consider the legal representation filed on behalf of the petitioner on June 10, 2020 strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall communicate the reasoned order to the parties immediately thereafter.

The petitioner is directed to forward a copy of the legal representation dated June 10, 2020 and a copy of the order dated April 21, 2021 passed in T.S. No. 265 of 2012 to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

The supplementary affidavit and the affidavit-of-service filed in Court today are taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)