

OD-5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1908 of 2022
PRASANTA BHAKAT & ORS.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 18th May, 2022.

Appearance:
Mr. Partha Sarathi Deb Barman, Adv.
Mr. Amit Gupta, Adv.
For the petitioners.

Mr. Debjit Mukherjee, Adv.
Mr. Dwijadas Chakraborty, Adv.
For the K.M.C.

The Court :- The petitioners allege that the Corporation did not take steps on the basis of an application filed by the petitioners with regard to the mutation and separation of holding in respect of a part of premises No. 70, J.K. Pal Road bearing Assessee No. 41-119-04-0070-4. The petitioners claim to have come upon such property measuring 3 cottahs, 3 chittaks, 12 sq. ft. on the basis of a Deed of Gift dated June 20, 2011.

On the last occasion, Mr. Mukherjee, learned Advocate appearing on behalf of the Corporation, handed over a copy of the order passed by the Assessor Collector (S.S. Unit), Kolkata Municipal Corporation dated April 27, 2022. From the said order it appears that the

petitioners and the respondent no.5 were heard and an order has been passed to the effect that the ward official must maintain status quo with regard to the property in question. According to Mr. Mukherjee, such order is a determination of the application for mutation of the petitioners and the prayer of the petitioners stand refused by such order.

Mr. Deb Barman, learned Advocate for the petitioners, submits that the order does not indicate in any way that the prayer for mutation and separation of holding had been rejected. As an interim measure, the ward officials have been asked to maintain status quo.

Under such circumstances, this Court is of the view that the order does not reflect that the Corporation had turned down the prayer for mutation and separation and had allowed the mutation in favour of the respondent no.5, to continue. The order passed, can at best be treated as an interim order. Further hearing shall be held in respect of the issues involved, independently, by the competent authority of the Corporation. The respondent no.5 and the petitioners shall be present at such hearing and the final order shall be passed by the competent authority, supported by reasons. The order shall be communicated to all and the entire exercise shall be completed within eight weeks from the date of communication of this order.

Accordingly, the writ petition is, thus, disposed of.

(SHAMPA SARKAR, J)