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ORDER SHEET

WPO No.1068 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUKUMAR PATRA & ORS.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 13th July, 2022.

Mr. Amal Kumar Mukhopadhyay, Mrs. Malabika Roy Dey,
Advocates for the Petitioners.

Mr. Biswajit Mukherjee, Mr. Swapan Kumar Debnath, Advocates for K.M.C.

Mrs. Sipra Majumder, Mrs. Debarati Sen (Bose), Advocates for the State.

The Court :-None appears on behalf of the respondent nos.5 to 9
despite service.

Petitioners claim to be the co-owners of the property situated at 11/1,
Lakshmi Dutta Lane, P.S.-Shyampukur, Kolkata-700 003, Borough-I under the
jurisdiction the Kolkata Municipal Corporation.

Petitioners rely upon property tax bills issued by the Kolkata Municipal
Corporation for the quarters 2010-11 wherein the names of the petitioners are
mentioned as owners of the property.

It appears that the Kolkata Municipal Corporation has incorporated the name of Shanti Construction, respondent no.8 herein as owner of the property in the tax bill for the year 2021-22.

According to the petitioners, mutation was effected without giving any prior notice and or opportunity of hearing to the owners of the said property.

Petitioners filed representation before the Kolkata Municipal Corporation demanding justice for restoration of the mutation in the names of the owners earlier recorded. The said representation dated 23rd August, 2021 has not been answered by the Kolkata Municipal Corporation till date.

Learned Advocate representing the Kolkata Municipal Corporation fairly submits before this Court that there is nothing to show that the petitioners were afforded an opportunity of hearing prior to the mutation being effected in favour of Shanti Construction.

As per provision of law, prior to effecting any change in the Municipal records the erstwhile owner is required to be given an opportunity of hearing. The same has not been done in this case.

In view of the above, mutation in favour of Shanti Construction is set aside.

The Assessor Collector (North), Assessment Department being respondent no.3 is directed to consider the representation which has been filed on behalf of the petitioners on 23rd August, 2021 strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties

and pass a reasoned order and communicate the same to all the parties. The Assessor Collector (North), Assessment Department shall take a decision at the earliest but positively within a period of four months from the date of communication of this order.

Writ petition stands disposed of.

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

Report filed by the Officer-in-Charge, Shyampukur P.S. dated 15th November, 2021 in Court today is taken on records.

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

(AMRITA SINHA, J.)

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