

OD-5

ORDER SHEET
WPO 2609 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IBHA BASAK
Versus
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 28th September, 2022

Appearance:

Ms. Sormi Dutta, Adv.
For petitioner
Mr. Gurudas Mitra, Adv.
Ms. Ira Ghosh, Adv.
For KMC

The Court: The matter relates to mutation of the premises no.153/2A, Acharya Prafulla Chandra Road, Ward No. 16 of the Kolkata Municipal Corporation.

The petitioner claims to be one of the co-owners of the property in question. It has been submitted that the said property was mutated in favour of one Rina Roy (Seal) and Smt. Ashima Seal.

The aforesaid Ashima Seal died and the mutation in favour of Rina Roy (Seal) has been cancelled by the Kolkata Municipal Corporation. Presently, the property in question has been mutated in the name of Anindita Das of 42/1A, Ram Dulal Sarkar Street, Kolkata-6.

According to the petitioner, the said Anindita Das is a stranger to the property and the Corporation ought not to have mutated the property in her

name. It has been contended that mutation was effected without giving any opportunity of hearing to the other co-owners of the property.

The petitioner is yet to file objection to the recording of the name of Anindita Das before the Corporation.

It will be open for the petitioner to make appropriate objection before the Kolkata Municipal Corporation giving details to show the manner in which she claims to have inherited the property. In the event such representation is made along with supporting documents, the same shall be taken up for consideration by the Assessor-Collector (North) within a period of twelve weeks from the date of filing the representation after giving a reasonable opportunity of hearing to the petitioner, Anindita Das and any other necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(AMRITA SINHA, J.)

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