

WPO No. 2904 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MITA KOLEY
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : November 16, 2022.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Sonali Ghosh Basu, Adv.
Ms. Sonali Sengupta, Adv.
...for the petitioner

Mr. Biswajit Mukherjee, Adv.
Mr. Fazlul Haque, Adv.
...for the K. M. C.

The Court: The petitioner's prayer for mutation and separation of the premises no.21/1, Radhanath Chowdhury Road, Kolkata- 700 015 has been rejected by the Assistant Assessor Collector (South), Division No.19 on 13th September, 2022 relying upon KMC Rules and Regulations.

The impugned order of rejection does not mention the particular rule/regulation or criteria relying upon which the prayer of the petitioner has been rejected.

The petitioner has already submitted an application before the Municipal Commissioner objecting to the said rejection. The same is pending consideration till date.

Learned advocate representing the Kolkata Municipal Corporation fairly submits that the reason mentioned in the impugned order of rejection is a cryptic

one. The details of the Rules and Regulations relied upon by the Corporation to reject the prayer of the petitioner ought to have been mentioned in the order of rejection.

A perusal of the impugned order of rejection of the petitioner's prayer reveals that there is mere mention of the assessee number, inspection book and the Rules and Regulations without specifying the particular provision which the petitioner failed to comply or is required to comply for obtaining the mutation and separation. The aforesaid order of rejection appears to an unreasoned one and fails to satisfy the taste of reasonableness. The same is liable to be set aside by the Court.

In view of the above, the impugned order of rejection dated 13th September, 2022 is set aside. The respondent no.3 being the Assessor Collector (South) is directed to revisit the issue and pass an order with regard to the prayer of the petitioner for mutation and separation on the basis of Form-A-42 submitted by the petitioner.

A decision shall be taken in the matter at the earliest but positively within a period of six weeks from the date of communication of a copy of this order.

Learned advocate for the petitioner is directed to forward a copy of Form A-42 and a copy of the representation dated 1st November, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The Assessor Collector, if required, may afford an opportunity of hearing to the petitioner to place documents in support of her prayer.

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

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)

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