

ML 126
24.04.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2312 of 2022

**Kishwar Khatoon
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Swarup Banerjee,
Mr. Arindom Chatterjee,
Md. Salman.
...For the Petitioner.**

**Mr. Biswajit Mukherjee,
Mr. Sourav Chowdhury.
...For KMC.**

**Mr. Suddhadev Adak.
...For the State.**

Supplementary affidavit filed on behalf of the petitioner in Court today is taken on record.

It appears that prayer of the petitioner seeking separation stood rejected by the Corporation on the ground that on inspection it was found that there is no clear physical boundary wall of the applied portion and the same is not capable of independent enjoyment from the mother plot.

The petitioner submits that the physical inspection, if any, was conducted without giving any prior notice.

The petitioner asserts that the property in question can be easily identified with the aid of the details as mentioned in the deed of conveyance.

Learned advocate appearing for the Kolkata Municipal Corporation does not have any instruction as to whether the physical inspection was conducted upon notice or not.

In view of the above, the instant writ petition is disposed of by directing the Assessor Collector (South), Kolkata Municipal Corporation to conduct fresh physical inspection of the property sought to be separated upon prior notice to all the necessary parties.

If the portion sought to be separated can be physically identified, then necessary steps shall be taken for recording separation of the said plot from the mother plot.

The petitioner will be obliged to comply the formalities required for recording separation of the subject plot.

All efforts shall be taken to conclude the process of identification and thereafter pass consequential order in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

It will be open for the petitioner to rely upon documents in support of identification of the plot in question.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)