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Ct No 2023
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**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5141 of 2022

**Bikramjit Das & Anr.
Vs
The State of West Bengal & Ors.**

Mr. Pankaj Halder
Mr. Samajit Balial
Mr. Tapas Kr. Manna
Mr. Sanatan Panja ... For the petitioner.

Ms. Koyeli Bhattacharya
Mr. Arijit Dey
... For the KMC.

Mr. Himadri Sikher Chakraborty
Mr. K. M. Hossain
... For the State.

Mr. Supriyo Bose, Sr. Adv.
Mr. Anup Kr. Mukhopadhyay
Mr. Sumana Kr. Aich
... For the private respondent.

The petitioners are aggrieved by the action on the part of the Kolkata Municipal Corporation in mutating the premises no. 124B, Dr. Suresh Chandra Banerjee Road renumbered as 124A, Dr. Suresh Chandra Banerjee Road, Calcutta – 700 010 without granting an opportunity of hearing to the petitioners.

The petitioners claim to be the heirs of the erstwhile recorded owners of the property.

It appears that the property was initially owned by one Trailokhya Nath Biswas. After his death on 28th December, 1904 the property devolved upon his son Mohan Gopal Biswas and on the death of Mohan Gopal

Biswas, the property devolved upon his widow Binapani Dasi (Biswas).

The said Binapani Dasi sold a portion of the property in favour of the predecessor-in-interest of the private respondents in 1968. Binapani Dasi expired on 22nd February, 1975. A further portion of the property was sold in August, 1984 by Indrabala Dasi, daughter of late Binapani Dasi.

The property was mutated in the name of the predecessor-in-interest of the private respondents long ago and the receipts showing payment of property tax by the predecessor-in-interest of the private respondents for the period 1993-94 to 1994-95 and for the year 2005-06 have been produced before this Court.

It appears that the property in question stood mutated in favour of the purchasers when the predecessor-in-interest of the petitioners i.e. Birendra Nath Das was alive. Birendra Nath Das expired on 10.03.2008 and the wife of Birendra Nath Das pre-deceased her husband.

The petitioners have approached this Court by filing the present writ petition in the year 2020 whereas the name of the predecessor-in-interest of the private respondents was recorded in the records of the Kolkata Municipal Corporation long back.

Fact remains that by mutation neither creates nor extinguishes the title of any property. Mutation is for the purpose of identification of the person responsible for payment of property tax.

The petitioners submit that an objection has been filed before the Kolkata Municipal Corporation and the same has not been considered till date.

The Court is of the opinion that the Kolkata Municipal Corporation will not be the appropriate authority to take a decision with regard to the objection filed by the petitioners.

It will be open for the parties to approach the appropriate forum for necessary relief, if so advised.

The petitioners have already filed a Title Suit before the learned Civil Judge (Junior Division), Sealdah being T.S. 95 of 2023 praying for declaration, injunction, eviction and recovery of possession and khas possession in respect of the selfsame property.

The learned Trial Judge shall decide the said suit without being influenced by any observation made hereinabove.

The property tax receipts issued by the KMC in the name of Krishna Chandra Das for the period 1992-93, 1993-94 to 1994-95 and 2005-06 be retained with the records. Copy of the same has been handed over to the learned advocate appearing for the petitioners.

No relief can be granted to the petitioners in the instant writ petition.

The writ petition stands dismissed.

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

of usual legal formalities.

(Amrita Sinha, J.)