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Ct No 2023
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AGM

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

**WPA 5146 of 2022
With
CAN 1 of 2023**

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

**Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. Samarjit Balial
Mr. Tapas Manna** ... For the petitioners.

**Mr. N. C. Bihani
Ms. P. B. Bihani
Mr. Soumya Mukherjee**
... For the Private respondent nos. 8 to 10.

**Mr. Samrat Chowdhury
Mr. Nimai Chandra Konar
Mr. Sandip Das** ... for the applicants.

CAN 1 of 2023

The application made for addition of party is opposed by the petitioners and the private respondents herein. There are several disputed questions of facts which cannot be adjudicated by the writ Court. It will be open for the applicants to approach the competent forum for redressal of their private rights, if so advised.

The application being CAN 1 of 2023 is dismissed.

WPA 5146 OF 2022

The petitioners in the instant writ petition have prayed for issuance of a writ of Mandamus seeking cancellation of the purported mutation in premises nos. 63B and 63C, Sarat Bose Road, previously known as 63, Lansdown Road.

The petitioners refer to the property tax demands

raised by the Corporation wherein names of the recorded owners are mentioned.

The petitioners submit that Corporation is not the appropriate authority to decide ownership of the property.

Learned advocate representing the private respondents opposes the prayer of the petitioners and submits that ownership of the property was decided and declared long ago.

Upon hearing the parties, the Court is of the opinion that mutation in respect of a subject property is only limited for ascertaining the person liable to pay tax. Mutation neither confers nor extinguishes ownership from any individual.

As regards dispute in ownership, it is open for the parties to get the issue adjudicated by the competent forum. The Corporation is not the competent forum to decide ownership of any property.

It is made clear that the Court has not entered into the merits of the allegations made by the parties with regard to ownership and it will be open for the parties to get their private rights adjudicated by the competent forum. This order is passed only on the prayer of the petitioners challenging mutation. The Court has not entered into the issue of ownership at all.

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.)