

Item No.06
06.10.2023
A.G.M.

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5623 of 2023

Mr. Robin Andrew Osta
v.
The State of West Bengal & Ors.
with
CAN 1 of 2023

Mr. Malabika Saha
Mr. Sayantan Adhya
Ms. Sharmistha Paul
... for the petitioner.

Mr. Sandip Ghosh
Mr. Sudarsan Roy
Mr. Romit Bose
... for the Municipality.

Mr. Ansar Mondal
Mr. Asish Dutta
... for the State.

The petitioner seeks mutation.

The application for mutation was submitted by the petitioner on 23rd January, 2022.

The Municipality intends to levy additional charges for mutation relying upon a notification dated 25th July, 2022 issued by the Department of Urban Development and Municipal Affairs.

The notification dated 25th July, 2022 is effective from 1st day of August, 2022.

The notification relied upon by the Municipality does not have any retrospective effect.

The Municipality cannot, under any circumstances, rely upon the notification dated 25th July, 2022 and not proceed with the application of the petitioner seeking mutation which was filed prior thereto.

In view of the above, the Municipality is directed to proceed with the application for mutation strictly on the basis of the law that was prevailing in the field on the day the application for mutation was filed.

The mutation shall be made positively by 30th November, 2023.

The writ petition stands disposed.

With the disposal of the writ petition, nothing remains to be decided in the connected application. The same 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.)