

ML 197
26.04.2023
d.p.

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

W.P.A 6187 of 2022

**Jamil Akhtar
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Avirup Chatterjee,
Ms. Soma Roy.
...For the Petitioner.**

**Mr. Alak Kumar Ghosh,
Mr. Arijit Dey.
...For KMC.**

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

None appears for the private respondents.

The matter relates to mutation of premises no. 4, Parvez Shahidi Range, Kolkata-700019. The said property was mutated in favour of the petitioner in the year 2014.

The petitioner alleges that the property has presently been mutated in the name of the private respondents. The subsequent mutation has been made without affording an opportunity of hearing to the petitioner.

The issue whether the property in question is a thika property or not is pending consideration before the Learned Tribunal. The Manager (A-C) (South),

Kolkata Municipal Corporation by order dated 30th June, 2016 directed not to permit any building plan and not to proceed with any mutation of the subject premises and arranged for locking the computer system so that status quo in respect of the premises may be maintained till the matter is finally decided by the learned Court.

The petitioner submits that despite order passed by the Manager (A-C) (South), the Corporation has mutated the property in the name of the private respondent.

Complaint against such mutation is pending consideration till date.

In the absence of the respondents the matter cannot be decided effectively.

In view of the above, the instant writ petition is disposed of by directing the Chief Manager (Revenue) (South), the respondent no.6 herein to consider and dispose of the objection filed by the petitioner on 29th June, 2021 in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to the parties.

Effort shall be taken to comply the aforesaid direction at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the mutation certificate dated 8th March, 2014, order of the Manager (A-C)

(South) dated 30th June, 2016 and the representation received by the respondent authority on 29th June, 2021 at the time of communicating the order of the Court.

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.)