

Item No.59(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

02.05.2023
Ct-24

WPA 9181 of 2022
East India Pharmaceutical Works Limited & Anr.
v.
The Kolkata Municipal Corporation & Ors.

Mr. Tanoy Chakraborty
Mr. Chhandak Dutta
... for the petitioners.

Mr. Biswajit Mukherjee
Mr. Fazlul Haque
... for KMC.

Mr. Suddhasatva Banerjee
Ms. Rituparna Chatterjee
... for the private respondent.

The petitioners are aggrieved by the alleged inaction on the part of the Kolkata Municipal Corporation in not taking steps to consider and dispose of the representation filed challenging the mutation in the records maintained by the Corporation.

The matter relates to premises no. 172, Pathak Para Road. The petitioners are occupiers of the subject premises and they claim to be in occupation of the same for nearly sixty-five years.

The Kolkata Municipal Corporation issued property tax bills in favour of the owner Sri B.A. Basil and M/s. East India Pharmaceutical Works Ltd. is recorded as lessee company at the subject premises.

The Kolkata Municipal Corporation is presently raising the tax bills in favour of the private respondents

by describing them as the owners of the subject property. The petitioners are aggrieved by the same.

It has been submitted that the petitioners all along paid the property tax in respect of the said property and the Corporation ought to have afforded an opportunity of hearing to the petitioners prior to effecting the change in the municipal records.

It appears from the documents annexed to the writ petition that the name of the petitioners is still reflected in the property tax bills as occupiers. The petitioners filed representation before the Corporation by disclosing that they are the occupiers of the aforementioned premises.

From the documents annexed to the writ petition it does not appear that the status of the petitioners as occupiers has been changed in any manner by the Corporation.

In fact, the Corporation is not the appropriate authority to declare the status of an individual. Mutation does not create or extinguish title. Mutation is only for the limited purpose for identifying the person primarily liable for paying the property tax.

Learned advocate representing the private respondents submits that they have purchased the property by several deeds duly registered before the competent authority.

On production of the deeds before the Kolkata Municipal Corporation, necessary changes have been made in the municipal records. The private respondents further submit that they have taken steps against the petitioners by terminating their lease.

Be that as it may, as it appears that the status of the petitioners has not been changed in the municipal records and the petitioners are still recorded as the occupiers of the subject premises, accordingly, there is no reason to pass an order directing the Corporation for consideration of the representation filed by the petitioners.

If the petitioners are aggrieved by any act of the private respondents then, it will be open for the petitioners to approach the appropriate forum for relief.

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

The writ petition fails and is hereby dismissed.

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

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

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(Amrita Sinha, J.)