

W.P.A. 12198 of 2017

Shakti Bhagat & Ors.

Vs.

Kolkata Municipal Corporation & Ors.

Mr. Anil Kumar Chatterjee

Mr. Dinesh Pani

....for the petitioners

Mr. Ranajit Chatterjee

Mr. Gopal Chandra Das

...for the KMC

The writ petition is heard in presence of the learned advocates representing the petitioners and Kolkata Municipal Corporation. It appears from the submission made by the learned advocate representing the petitioners that petitioners are aggrieved by the decision of the Kolkata Municipal Corporation relating to mutation which has been made in favour of the private respondents and prayer has been made to cancel such mutation in favour of the private respondents thereby incorporate the names of the petitioners in the assessment register.

In support of such contention it has been submitted that based on gift deed executed on 21st June, 2005 mutation has been made in favour of the private respondents but the said gift deed is forgery. It has also been submitted that a suit has been instituted for a declaration that the gift deed dated 21st June, 2005 is not a valid instrument.

Kolkata Municipal Corporation is represented by learned advocate who submits that placing reliance on said gift deed dated 21st June, 2005 decision to mutate names of the private respondents has been taken and the same has been communicated vide a memo dated 25th July, 2010 to the petitioner no. 1 which is at page 20 annexure P2, to this writ petition. It has also been submitted that Kolkata Municipal Corporation is not the appropriate authority to decide the validity of the said gift deed dated 21st June, 2005.

Having considered the submissions made by the learned advocates representing the parties it appears that it has been specific contention of the petitioners that a suit is pending before the civil court whereby petitioners have laid a claim that the said gift deed dated 21st June, 2005 is forgery and appropriate declaration has been prayed for to that extent.

Unless and until fate of the gift deed dated 21st June, 2005 is decided in the pending suit it would be improper to interfere with the decision taken by the Kolkata Municipal Corporation authorities to mutate the names of the private respondents in connection with the property in question.

In view of aforesaid scenario the writ petition stands dismissed.

However, it is made clear no view is expressed by this Court with regard to the said gift deed dated 21st

June, 2005 based on which decision has been taken by the Kolkata Municipal Corporation to mutate the names of the private respondents.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)