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Ct No 2023
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AGM

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

**WPA 13376 of 2021
With
CAN 1 of 2022
With
CAN 2 of 2023**

**Shiv Kumar Sharma & Anr.
Vs
State of West Bengal & Ors.**

Mr. Birendra Kumar Jha
Mr. Anish Das

... For the Petitioners.

Mr. Biswajit De
Ms. Rajlakshmi Ghatak

... For the State.

Ms. Mousumi Bhowal
Mr. Aman Gupta

... For the Municipality.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar

... For the respondent nos. 3 to 7.

Mr. P. Bag
Mr. Manish Shukla
Ms. Aditi Chatterjee
Mr. Santanu Sett

... For the respondent no. 8.

The petitioners allege that premises no. 95 /2/1, Dakshindari Road, P. S. Lake Town, Kolkata at dag no. 213/542, Mouja Kankuri, Khatian No. 55, earlier holding no. 427 and present holding no. 897 under jurisdiction of South Dum Dum Municipality has not being mutated in his favour despite repeated representations filed.

The Municipality has filed an affidavit-in-opposition to the writ petition but has not disclosed any reason for

not processing the application for mutation filed by the petitioners.

The petitioners raise issue with regard to the construction being made at the instance of the respondent no. 8.

It has been admitted by the parties that at present construction is being made in accordance with the plan sanctioned by the municipality in December 2022.

Without going into the issue as to whether the sanction was granted in a proper manner or not, the writ petition is disposed of by granting liberty to the petitioners to make appropriate application in the prescribed format seeking mutation before the municipality.

In the event such an application is filed, the same shall be considered by the Municipality in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

Effort shall be taken to dispose of the application for mutation at the earliest but positively within twelve weeks from the date of filing of the application.

As regards the other reliefs prayed for in the instant writ petition, it will be open for the petitioners to agitate all other points in subsequent proceeding that may be initiated in accordance with law before the appropriate forum.

Affidavit-in-reply filed by the petitioners be retained with the records.

The writ petition and all connected applications stand 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.)