

211. 04.04.2023
bd. Ct.15

W.P.A. 15078 of 2014

Sri Bidyasagar Shaw

-vs-

Bhatpara Municipality & Ors.

Mr. Tapash Kumar Bhattacharya

Mr. Aviroop Bhattacharya

... for the petitioner.

Mr. Uddipan Banerjee

... for the respondent nos.

5 and 5A

Petitioner by presenting this writ petition, inter alia, has questioned mutation of name of the respondent no.5 in connection with the land in question.

It has been submitted by the learned advocate representing the respondent no. 5 that at present the ownership of the land has been transferred infavour of respondent no. 6 and the said land has been mutated in the name of respondent no.6

Mr. Bhattacharya, learned advocate representing the petitioner disputes mutation of name of the respondent no. 5 and 6 and questions mutation of name of respondent no. 5 in connection with the land in question. It has been submitted that petitioner is the owner of the said land, however, the name of respondent no. 5 has gone down to the record of rights wrongly. Such steps taken by the concerned authorities in inserting the name of the respondent no. 5 in the

record of rights has been questioned by the petitioner by instituting original application before the West Bengal Land Reforms and Tenancy Tribunal being OA 2447 of 2017. It has further been submitted on behalf of the petitioner that such original application is pending before the tribunal for adjudication.

In view of such submissions being made on behalf of the respective parties it appears that mutation of name of the petitioner in connection with the land in question during pendency of the original application before the tribunal as prayed for by the petitioner cannot be decided.

No order need be passed on this writ petition excepting granting leave to the petitioner to approach the concerned authority of Bhatpara Municipality for mutation of the name of the petitioner after disposal of the original application by the tribunal.

Accordingly the writ petition stands disposed of. However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)