

Item No.100(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

24.04.2023
Ct-24

WPA 15081 of 2019
Sri Pradip Mondal

v.

The Hooghly-Chinsurah Municipality & Ors.

Mr. Kajal Ray
... for the petitioner.

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Cowdhury
... for the respondent nos. 1 & 2.

The petitioner is aggrieved by the order passed by the Chairman, Hooghly-Chinsurah Municipality on November 22, 2018 rejecting the petitioner's prayer for mutation on the ground that an appeal bearing Misc. Case No. 211 of 2006 is pending before the learned District Judge, Hooghly.

Learned advocate representing the petitioner submits that by order dated December 15, 2011 passed in the aforesaid misc. case, the learned District Judge permitted the plaintiff to sell the property in question. In compliance of the direction passed by the Court sale was conducted and the petitioner purchased the said property.

It has been submitted that the misc. case was allowed ex parte and no appeal has been preferred therefrom.

Learned advocate representing the Municipality submits that the fact of disposal of the misc. case being Misc. Case No. 211 of 2006 was not brought to the

knowledge of the Municipality. The order of the Court dated December 15, 2011 is a conditional one and as the petitioner failed to comply the condition imposed by the learned District Judge, accordingly, the prayer of the petitioner for mutation has been refused.

The petitioner contends that being a purchaser of the property he is not required to reconstruct or renovate the temple. The same is a direction to be complied by the erstwhile purchaser.

Be that as it may, as it appears that the Municipality is not aware of the Order No. 36 dated December 15, 2011 passed by the learned District Judge, Hooghly, accordingly, the petitioner is directed to forward a copy of the aforesaid order to the Municipality.

On receipt of the order passed by the Court, the Municipality shall take a fresh decision apropos the prayer of the petitioner for effecting mutation.

A reasonable opportunity of hearing shall be given to all the necessary parties.

A reasoned order shall be passed and communicated to the parties.

Effort shall be taken to dispose of the prayer of the petitioner at the earliest but positively within a period of twelve weeks from the date of forwarding the copy of the order dated December 15, 2011 to the Municipality.

Learned advocate for the petitioner is directed to hand over a photocopy of the order dated December 15, 2011 to be retained with the records of this case.

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.

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(Amrita Sinha, J.)