

04 18.09.2023
rkd Ct.15

W.P.A. 20453 of 2017

Putul Das

-vs-

The Chandernagore Municipal Corporation

Mr. Subir Banerjee,
Ms. Dipanwita Das,
Mr. Arka Mukherjee

....for the petitioner.

Mr. Suman Basu

....for the Chandernagore Municipal Corporation.

In the writ petition the order of the Chairman, Chandernagore Municipal Corporation dated 3rd September, 2016 is under challenge whereby prayer of the petitioner for mutation was refused on the ground that the land in question was found to be recorded in the records maintained in the office of the Chandernagore Municipal Corporation as pond and it has also been stated in the order dated 3rd September, 2016 that in the Settlement Record the land of the petitioner is shown as pond.

The learned advocate representing the petitioner while questioning the decision dated 3rd September, 2016 submits that the entire land in question should not be considered as pond since part of it is embankment of the pond and part is pond.

In addition thereto reliance has been placed on the documents which is at pages 43 and 44 of the writ petition whereby it has been submitted that erstwhile owner of the land in question paid tax in respect of the land in question to the Chandernagore Municipal Corporation therefore subsequently by issuing order dated 3rd September, 2016 prayer of the petitioner for mutation cannot be refused on the ground that the entire land of the petitioner is found to be pond in terms of the records maintained in the office of the Corporation.

While examining the issue this Court has found one report of Engineer-in-Charge, Chandernagore Municipal Corporation dated 23rd August, 2017 which is lying on record wherefrom it appears out of total area of 0.168 acre by two separate registered deeds being nos. 1226/2014 and 1227/2014 petitioner purchased 0.056 acre and 0.112 acre of the aforesaid land. Though it has been submitted that entire purchased land should not be termed as pond but on perusal of the said report dated 23rd August, 2017 it transpires that the land falls on L.R. Dag No.467 which is recorded as pond (pukur) in the Settlement Record.

It has been further been disclosed in the report that classification of the land purchased by

the petitioner as per Assessment Register of the Corporation is pond (pukur) and the classification of the said area purchased by the petitioner as per Settlement Record of the Competent Authority also is found to be pond (pukur).

In view of aforesaid findings made by the Engineer-in-Charge in his report dated 23rd August, 2017 this Court does not find any infirmity in the order dated 3rd September, 2016 passed by the Chairman of the Corporation.

If the land of the petitioner is part of the pond which he has purchased the same cannot be mutated and reclassified otherwise thereby permitting the petitioner to make construction over the said plot of land.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law in order to change the classification of the land by approaching the appropriate authority, if the same is permissible.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned

Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)