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Ct No 2023
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AGM

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

WPA 20343 of 2022

**Smt. Sreemoyee Kundu & Ors.
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Rajdeep Mantha,

... For the Petitioners.

Mr. Dilip Kumar Chatterjee,
Mr. Mihir Kundu,

... For the KMC.

The petitioners seek mutation of the premises no. 47C, Nalini Sett Road, Kolkata 700 007 comprising an area of three cottahs, one chittaks and eleven square feet only.

The right of the petitioners flow from the order dated 2nd August, 2019 passed by the Controller, Kolkata Thika Tenancy.

The petitioners allege that the application for mutation has been kept pending for a considerable period of time. A legal representation was filed in August, 2022 which is also pending consideration.

Learned advocate representing the KMC submits, upon instruction that, at the time of filing the writ petition the application for mutation was under process, but thereafter the said application has been cancelled.

From the search mutation status that is available in the official website of the KMC, the reason for cancellation of the application for mutation is not mentioned.

Affidavit-of-service filed today in Court be kept with the record. None appears on behalf of the private respondents.

As it appears that the application of the petitioners seeking mutation stood cancelled by the authority without giving the parties an opportunity of hearing, accordingly,

the Assessor Collector (North), KMC is directed to consider the prayer of the petitioners for mutation once again in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter.

A decision shall be taken in the matter positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward a copy of the order dated 2nd August, 2019 and the legal representation dated 17th August, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The order of cancellation as reflected in the official website of the KMC shall not be given effect to till a fresh decision is taken by the aforesaid respondent in this regard.

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.

(Amrita Sinha, J.)