

ML 69
06.01.2023
d.p.

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

W.P.A. 19859 of 2019

**Sufura Begum
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Javed K. Sanwarwala,
Ms. Farah Anjum,
Mr. Shariq A. Sanwarwala
...For the Petitioner.**

**Mr. Ranajit Chatterjee,
Mr. Gopal Chandra Das.
...For KMC.**

Affidavit-of-service and the Supplementary affidavit filed in Court today are taken on record.

The petitioner prays for mutation of the premises No. 196C, Shyama Prosad Mukherjee Road, Kolkata 700 026. The mutation, recording the name of the petitioner as owner could not be made allegedly on the ground that the property was a Waqf property.

The Chairperson, Board of Auqaf, West Bengal by an order dated 14th January, 2020 has clearly recorded that after due deliberation and discussion it has been unanimously resolved that the premises No. 196B, Shyama Prosad Mukherjee Road, Kolkata – 700 026 has been duly scrutinized by the office and it has been revealed that the said premises do not belong to any Waqf estate, nor enrolled under the domain of the Board of Auqaf, West Bengal.

The aforesaid order passed by the Chairperson of the Board of Auqaf, clearly mentions that the property is not a Waqf property.

Accordingly, the instant writ petition is disposed of by directing the respondent No. 3 being the Assessor-Collector (South), Assessment Collection (S) Department, Kolkata Municipal Corporation to take steps for mutation of the property in question in the name of the petitioner, as owner, on the basis of the order that has been passed by the Chairperson, Board of Auqaf on 14.01.2020.

The Assessor-Collector shall take positive steps within a period of six weeks from the date of communication of a copy of this order after compliance of the necessary formalities.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)