

06. 22.06.2023
bd. Ct.15

W.P.A. 25392 of 2017

Ajit Kumar Samanta

-vs-

The State of West Bengal & Ors.

Mr.Sarthak Barman ... for the petitioner.

Mr. Biswajit Mukherjee

Mr. Gopal Chandra Das ... for the KMC.

Mr. Indranil Nandi

Mr. Sayak Konar ... for the respondent no.5.

Mr. Ayan Banerjee ... for the State

The writ petition is taken up for consideration pursuant to the order dated 8th June, 2023 in presence of the learned advocates representing the petitioner, KMC, State respondents as well as Official Trustee.

The writ petition has been instituted, inter alia, praying for issuance of assessee number of the petitioner by the concerned authority of KMC after complying with the formalities relating to mutation. Petitioner claims to be lessee in connection with debuttar estate situates at 18, Pataldanga Street, Kolkata- 700009.

Such prayer of the writ petitioner for allotment of assessee number is opposed by the learned advocate representing the State respondents on the score that the lease deed based on which petitioner is claiming to be lessee is an unregistered lease deed and the lease deed pertains

to debuttar estate which is under Official Trustee therefore according to the State respondents permission from Official Trustee is required which would entitle the petitioner being lessee to make an application before the concerned authority of KMC for mutation and allotment of assessee number.

Mr. Biswajit Mukherjee, learned advocate representing KMC submits that no application seeking allotment of assessee number as well as mutation has been made before the concerned authority of KMC rather the application has been filed by the petitioner seeking self assessment. It has also been urged on behalf of KMC that in absence of formalities relating to mutation to mutate name of the applicant question of self assessment at the instance of a person who is not an assessee as per assessment registrar maintained by the KMC is impermissible.

Having considered the submissions made on behalf of the respondent authorities this Court has made a query to the learned advocate representing the petitioner whether petitioner has made an application for mutation as well as allotment of assessee number before the concerned authority of KMC. However, this Court does not get any satisfactory answer.

In view of aforesaid scenario the writ petition stands dismissed. However, this order shall not preclude the petitioner to take appropriate steps in accordance with law seeking mutation before the concerned authority of KMC provided he is eligible.

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.)