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04.01.2023
d.p.

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

W.P.A 24295 of 2022

**Krishanu Ghosh & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Jayanta Samanta,
Mr. Debasis Sarkar,
Ms. Karunamoyee Samanta.
...For the Petitioners.**

**Mr. Biswajit Mukherjee,
Ms. Tanushree Dasgupta.
...For KMC.**

**Mr. Narayan Ch. Bhattacharyya,
Ms. Sujata Ghosh.
...For the State.**

**Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.
...For the Respondent
Nos. 10 and 11.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners are aggrieved by the steps taken by the Kolkata Municipal Corporation in incorporating the names of the private respondents in the municipal records in respect of a joint undivided property without giving any opportunity of hearing to the petitioners who are the co-owners of the said property.

The private respondent Nos. 10 and 11 are the successors-in-interest of the purchaser of a portion of the joint undivided property.

According to the private respondents, an opportunity of hearing was given prior to effecting the mutation. The private respondents submit that the petitioners failed to appear in the hearing.

Learned advocate appearing for the Kolkata Municipal Corporation has not been able to produce any document to show that the petitioners were afforded an opportunity of hearing prior to the mutation being done.

Be that as it may, to resolve the issue, the matter is relegated to the Assessor Collector (South), Kolkata Municipal Corporation being the respondent No.6 herein to consider the prayer of the petitioners for granting an opportunity of hearing in respect of the mutation of the Premises No. 59/1, Jorabagan Road, Netaji Nagar, Ward No.99, Kolkata-700047.

The aforesaid respondent shall revisit the issue of mutation and apportionment of tax after giving fresh opportunity of hearing to all the co-owners of the property and also to the respondent Nos. 10 and 11.

A decision shall be taken in the matter in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The parties will be entitled to rely upon all documents in support of their stand. A reasoned order shall be passed and communicated to the parties immediately thereafter.

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.)