

30. 04.12.2023
bd. Ct.15

WPA 27646 of 2008

Somnath Chakraborty

-vs-

Rajpur-Sonarpur Municipality & Ors.

Mr. Sounak Bhattacharya

Mr. S. Mondal ... for the petitioner.

Mir Anaruzzman ... for the Municipality.

The writ petition is taken up for consideration pursuant to the order dated 16th November, 2023 in presence of the learned advocates representing the petitioner and Rajpur-Sonarpur Municipality. Learned advocate representing Rajpur-Sonarpur Municipality has appeared on virtual mode.

On perusal of the records it appears that in the writ petition the order dated 16th March, 2004 passed by the Chairman Rajpur-Sonarpur municipality is questioned by the petitioner based on a registered deed of settlement dated 11th December, 1990 being No. 21995. An attempt has been made to demonstrate that instead of seven other persons as named in the order dated 16th March, 2004 name of the petitioner should be solely recorded in the assessment register of the municipality.

Mr. Bhattacharya, learned advocate representing the petitioner submits that three sisters namely Smt. Sadhana Bhattacharya, Smt. Sovana Maitra and Smt. Mala Bhattacharya settled

the property in question in favour of the petitioner vide deed of settlement dated 11th December, 1990. Therefore, according to the petitioner, at least shares of these three sisters ought to have been settled in favour of the petitioner upon passing mutation order in connection thereto. Such contention made on behalf of the petitioner appears to have been unacceptable in view of the fact that at the time of consideration of the issue in terms of the order dated 7th January, 2004 one of the sisters namely Smt. Sovana Maitra, objected the prayer of the petitioner to mutate the property solely in his name. Apart from that four other persons named in the order dated 16th March, 2004 have not settled their portions in favour of the petitioner.

It has been rightly pointed out in the order dated 16th March, 2004 by the municipality that the deed of settlement dated 11th December, 1990 was executed by three persons namely, Smt. Sadhana Bhattacharya, Smt. Sovana Maitra and Smt. Mala Bhattacharya, out of seven persons in whose favour the property in question has been mutated along with the petitioner. It is also recorded in the order dated 16th March, 2004 that the prayer of the petitioner to mutate only his name in connection with the entire property including seven other shares was strongly opposed by Smt. Sovana Maitra.

Since there are no cogent reasons put forward the prayer of the petitioner to mutate only his name in connection with the property in question has been spurned by the Chairman of

Rajpur-Sonarpur Municipality and why reasons of Municipality are not tenable is not explained before this Court during course of hearing, Court finds no merit in the writ petition and accordingly the writ petition stands dismissed.

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.)