

MI- 09.02.2023
381 Ct.15
rkd

W.P.A. 29206 of 2014

Smt. D. Sumitra Devi

-vs-

Kharagpur Municipality & Ors.

Mr. Nilangan Bhattacharyjee,
Mr. Abhilash Chatterjee,
Mr. Saikat Dey

....for the petitioner.

The writ petition is presented, inter alia, challenging the order dated 29th September, 2014 by which Chairman, Kharagpur Municipality being the respondent no.2 passed an order in respect of holding No.747/563 under Ward No.21 (old) under Kharagpur Municipality by directing the concerned authority of the said municipality to delete the name of Smt. D. Sumitra Devi being the writ petitioner in this writ petition and incorporate the name of V. Ramjee as an assessee.

Mr. Chatterjee, learned advocate representing the petitioner submits that a civil suit being O.S. No. 283 of 2014 is pending before the Civil Judge (Jr. Div.) Midnapur, instituted at the instance of the petitioner claiming right over the holding no. 747/563 under Ward No.21 (old) under Kharagpur Municipality in respect of which respondent no.2 has taken decision to delete the name of the petitioner as an assessee.

It has further been submitted that in the pending suit writ petitioner being the plaintiff therein is enjoying an order of *status quo* in respect of nature, character and possession of the suit premises.

However, no one is representing the Kharagpur Municipality as well as private respondent no.3.

On perusal of the relevant records including the decision taken by the respondent no.2 dated 29th September, 2014 and in consideration of the submissions made on behalf of the petitioner that she is enjoying the interim order to maintain *status quo* with regard to nature, character and possession of the suit premises no further order need be passed protecting the petitioner from impending dispossession as apprehended at the instance of the respondent no.3.

In consideration of pendency of the civil suit as well as subsistence of the interim protection granted in favour of the petitioner, writ petition stands disposed of upon granting leave to the petitioner to approach the concerned authority of Kharagpur Municipality after disposal of the suit, if necessary, praying for incorporation of the name of the petitioner as an assessee in respect of holding

no.747/563 under Ward No.21 (old) under Kharagpur Municipality.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)