

W.P.A. 27627 of 2012

Smt. Champa Singh  
Vs.  
The State of West Bengal & Ors.

Mr. Gautam Lahiri  
....for the petitioner

Mr. Arijit Dey  
...for the Baranagar Municipality

The grievance of the petitioner is in 2004-2005 petitioner was treated as recorded owner in respect of premises no. 15 & 16, K.K. Tagore Road but subsequently behind the back of the petitioner names of respondent nos. 4 & 5 were mutated in respect of the aforesaid premises by the concerned authority of Baranagar Municipality.

Considering this aspect this Court directed the petitioner to serve notice upon the respondent nos. 4 & 5. In spite of service of notice of this writ petition they are not being represented before this Court on previous occasions as well as today.

Considering the grievance ventilated on behalf of the petitioner this Court directed the Chairman of Baranagar Municipality to submit a report disclosing the reason behind mutating names of respondent nos. 4 & 5 by removing name of the petitioner from the assessment records. Pursuant to such direction report in the form of affidavit has been affirmed by Ms. Aparna Moulik, Chairman of Baranagar Municipality wherein in paragraph-

4 it has been merely stated that the name of the petitioner was recorded in the assessment register as owner in the year 2004-2005. But subsequently name of Babulal Kahar was mutated on 4<sup>th</sup> December, 2008 and name of Musafir Singh Chandel was also mutated on 4<sup>th</sup> December, 2008. However, the reasons behind such induction of private respondent nos. 4 & 5 in the relevant assessment register has not been disclosed in the affidavit in terms of the direction of this Court as contained in the order dated 22<sup>nd</sup> December, 2022.

It has also been brought to the notice of this Court by the learned advocate representing the petitioner on placing reliance of annexure P3 to the writ petition that the Chairman of Baranagar Municipality though issued one notice relating to mutation dated 25<sup>th</sup> November, 2009 addressed to the petitioner whereby petitioner was requested to appear before the Chairman on 8<sup>th</sup> December, 2009 with relevant documents. But subsequently no decision was taken by the Chairman relating to claim of the petitioner to mutate her name based on gift deed dated 29<sup>th</sup> November, 2006.

Considering the case made out in the writ petition it appears that the report filed on behalf of the Chairman is unsatisfactory and the Chairman has not been able to assign reasons for inducting the respondent nos. 4 & 5 in the assessment register.

Accordingly, the Board of Councillors is directed to fix a date and hear the petitioner who is claiming to have her name mutated for a long period of time.

The Board of Councillors is also directed to serve notices upon the respondent nos. 4 & 5 before fixing such date of hearing. However, absence of the respondent nos. 4 & 5 in spite of notice shall not prevent the Board of Councillors to take a decision on the claim of the petitioner to have her name mutated.

The aforesaid exercise shall be carried out by the Board of Councillors within a period of 8 (eight) weeks from date and the reasoned decision shall be communicated to the petitioner within 1 (one) week thereafter.

In the event the prayer of the petitioner for mutating her name is declined by the Board of Councillors, adequate reasons to be assigned in support of such decision.

With the aforesaid direction, the writ petition stands disposed of.

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.)