

OD-9

ORDER SHEET
WPO No. 516 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

JASMEET SINGH & ORS.
VS.
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 14th March, 2023.

Mr. Shambhu Mahato, Mr. A. Kr. Rai,
Advocates for the Petitioner.

Mr. Subhrangsu Panda, Ms. Debangana Dey Nayak, Advocates for KMC.

Ms. Anjusri Mukherjee, Advocate for State Respondent No.6.

Mr. Atis Kumar Biswas, Mr. Sudip Kumar Dutta,
Advocates for Respondent nos.7 & 8.

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

Petitioners' representation seeking cancellation of mutation in respect of the premises no. 112 F, APC Road, Kolkata 700 009 is pending consideration.

According to the petitioners, mutation was effected without giving any notice or opportunity of hearing to the petitioners who are the legal heirs of the erstwhile recorded owners.

The aforesaid claim of the petitioner is denied and disputed by the private respondents. It has been submitted that the petitioners do not have any right of hearing as they are not the legal heirs of the recorded owners.

Be that as it may, as it appears that an objection has been filed seeking cancellation of mutation and the same is pending consideration at the end of the respondent authority, accordingly, the instant writ petition is disposed of by directing the Assessor Collector [North] to consider the objection filed on behalf of

the petitioners in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of this order. Parties will be at liberty to rely upon all documents in support of their stands.

The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by either of the parties and it will be open for the aforesaid respondent to consider the submissions made on behalf of the parties and take a decision in the matter.

Learned advocate for the petitioners is directed to forward a copy of the legal representation dated 12th August, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

Leave granted to the learned Advocate-on-record of the respondent nos.7 & 8 to file Vakalatnama in the Department in course of the day.

Leave granted to the learned Advocate-on-record of the petitioner to correct the description of the respondent no.3 in the cause title of the writ petition.

Report filed by Officer-in-Charge, Amherst Street Police Station dated 13.03.2023 is also kept on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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