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ORDER SHEET
WPO No.928 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

LAKSMI ADDY & ANR.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:4th May, 2023.

Appearance:
Mr. Basudeb Mukherjee, Adv.
Mr. Arnab Sarangi, Adv.
Mr. Pinaki Addy, Adv.
... for the Petitioner.

Mr. Swapan Debnath, Adv.
... for the KMC.

The Court:- Petitioners are aggrieved by the alleged cancellation of the mutation of the petitioners as reflected in the official website of the Kolkata Municipal Corporation in respect of the flat no.2B, at 27, Chetla Central Road, Kolkata – 700 027, Ward No.82. The property in question happens to be the ancestral property of the petitioners. The property was developed and several flats were constructed. The petitioners were allotted and are presently the owners of the flat no.2B, at 27, Chetla Central Road, Kolkata – 700 027, Ward No.82.

On 17.06.2019 the Assistant Assessor Collector [South] intimated the persons responsible to pay tax including the petitioners that the application for mutation/apportionment/separation has been examined and approved by the authority.

Learned advocate appearing on behalf of the petitioners submits that even thereafter the property in question is yet to be recorded in their names. The application for apportionment in Form A42 was also submitted in August, 2018.

Learned advocate representing the Kolkata Municipal Corporation has produced a report signed by the Assessor Collector [South], Deputy Assessor Collector [South] and the Assistant Assessor Collector [South], Ward No.82 on

03.05.2023 wherein it has been mentioned that as soon as the petitioners produce the title documents, status of the petitioners as persons responsible to pay tax shall automatically be changed.

The Corporation is not the appropriate authority to decide or declare the ownership of a property. The Corporation mutates the property only for the purposes of identification of the person primarily liable to pay tax. Mutation neither creates nor extinguishes ownership.

In view of the above, the Municipal Commissioner or his delegate is directed to take steps for mutation of the property in question in favour of the petitioners subject to compliance of all necessary formalities.

The aforesaid respondent shall intimate the petitioners the formalities required to be complied for recording the flat in their names.

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

Writ petition stands disposed of.

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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