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ORDER SHEET
WPO No.1330 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AMITAVA DE BHOWMICK & ANR.
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:17th July, 2023.

Appearance:
Mr. Anindya Bose, Adv.
Mr. Abhimanyu Bannerjee, Adv.
...for the Petitioners.

Mr. Biswajit Mukherjee, Adv.
Ms. Piyali Sengupta, Adv.
...for KMC.

The Court:-The petitioners seek separation and mutation of premises no.53/1, S.N. Banerjee Road. Instead of filing the application for separation in the prescribed form the petitioners have only made representation before the authority seeking separation.

Grievance of the petitioners is that the Corporation has not taken any step in response to the application filed.

Learned advocate representing the Kolkata Municipal Corporation has obtained instruction from Deputy Assessor Collector (South) and the Assessor Collector (South), Kolkata Municipal Corporation signed on 03.07.2023.

It appears therefrom that on receipt of the application of the petitioners an inspection was conducted on 01.06.2023 by the concerned Assistant Assessor Collector and Inspector of Ward No.53 and it was found that the premises is not physically separable. There is no separate access or it is not capable of

independent enjoyment. Dilapidated structure of RT shed exists at the said place. The petitioners have become the joint owners of 1/3rd share in respect of the said premises. The shares, not being divided, separation is not feasible.

The Corporation is yet to intimate the reasons for not acceding to the prayer of the petitioners for separation.

The concerned authority of the Corporation is, accordingly, directed to formally communicate the reasons for not accepting the prayer of the petitioners for separation of the subject premises within a fortnight from the date of communication of this order.

Writ petition stands disposed of.

Instruction filed by the Deputy Assessor Collector (South) and the Assessor Collector (South), Kolkata Municipal Corporation signed on 03.07.2023 in Court today be retained with the records.

Affidavit of service filed in Court today is taken 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.)