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ORDER SHEET  
WPO No.1441 of 2023  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

NARESHYAM PROPERTIES PRIVATE LIMITED & ANR.  
VS  
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:  
The Hon'ble JUSTICE AMRITA SINHA  
Date:28<sup>th</sup> July, 2023.

Appearance:  
Mr. Alak Kumar Ghosh, Adv.  
Mr. Supratim Dhar, Adv.  
Mr. Sabyasachi Sen, Adv.  
...for the Petitioners.

Mr. Biswajit Mukherjee, Adv.  
Mr. Fazlul Haque, Adv.  
...for the KMC.

The Court:-The petitioners claim to be the owners of flat/office space no.201E at premises no.43, Ashutosh Chaudhuri Avenue, Kolkata-700019. The petitioners seek mutation. Repeated representations were filed by the petitioners but the same is yet to be considered.

Communication was made by the Assistant Assessor- Collector (South) Division No.24A, Assessment Collection Department of the Kolkata Municipal Corporation on 04.07.2011 asking the petitioners to submit relevant documents regarding the ownership of the said flat.

The petitioners replied to the said request but till date mutation is yet to be effected. The petitioners contend that due to non recording of the flat in their name, huge amount of tax has been accumulated and the petitioners may be held guilty of penalty and interest on account of non-payment of tax on time.

It has been submitted that the petitioners are ready and willing to clear the property tax dues but as the tax bills are not raised in the name of the owners, that is, the petitioners herein, the same cannot be paid.

It appears from the submissions made on behalf of both the parties and upon perusal of the materials on record that though the Corporation issued letter to the petitioners for supplying the documents in support of ownership and even though the petitioners replied to the said request by furnishing necessary documents, but for reasons best known, the Corporation is yet to take a final decision in the matter.

As the matter is pending consideration before the respondent authorities, accordingly, the Court directs the Municipal Commissioner or his delegate to take a decision in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The concerned authority will afford an opportunity of hearing to the petitioners for production of all necessary documents in support of their ownership at the time of hearing. A final order shall be passed and communicated to the petitioners immediately thereafter.

Learned advocate representing the petitioners is directed to forward a copy of the letter dated 27.06.2011, letter of the Corporation dated 04.07.2011, letter of the petitioners dated 20.07.2011 and the representation dated 09.01.2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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.)