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ORDER SHEET
WPO No.1482 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAURAV KUMAR DUTT
-Versus-
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:8th August, 2023.

Appearance:
Ms. Sreyanshi Majumdar, Adv.
...for the Petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Mihir Kundu, Adv.
...for KMC.

Mrs. Tuli Sinha, Adv.
...for the State.

The Court:- None appears on behalf of the private respondents.

The petitioner is aggrieved by the order dated 07.07.2023 passed by the Chief Manager (Revenue-North) of the Kolkata Municipal Corporation in compliance of the direction passed by the Court in WPA No.3432 of 2021. It is alleged that the property in question was a trust property which was illegally sold to third parties.

The Kolkata Municipal Corporation is relying upon the deed of sale pursuant to which the authority effected mutation.

The petitioner is aggrieved by the same.

A civil suit has been filed by the petitioner before the competent forum seeking cancellation of the deed of conveyance.

The Chief Manager (Revenue-North), Kolkata Municipal Corporation upon hearing the parties and upon perusal of the documents passed order that as the mutation was granted in favour of the purchasers on the basis of the registered deed of conveyance and as a suit is pending before the appropriate Court of law challenging the validity of the deed, status quo be maintained till the disposal of the suit.

It appears that the Chief Manager (Revenue-North), Kolkata Municipal Corporation, without entering into the disputed questions of facts, directed the

parties to maintain status quo till the issue is finally resolved by the learned Civil Court where the suit is pending consideration.

It appears that this is the best that could have been done by the aforesaid respondent.

It will be open for the parties to adjudicate their independent civil rights in the suit that is pending consideration.

Even otherwise, mutation is only for the purpose of ascertaining the persons responsible to pay tax and mutation neither creates nor extinguishes ownership of any property.

The parties are directed to maintain status quo in respect of the subject property till the issue is finally decided by the Civil 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.)

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