

22.02.2024

Ct. no.654

Sl. No.171

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 2531 of 2023

Kalpana Ghosh & ors.
Vs.
The State of West Bengal & ors.

Mr. S. P. Mukherjee
Mr. Shuvajit Bose
... for the petitioners

Mr. Ashim Kumar Ganguly
Mr. Sambuddha Dutta
... for the State

The brief fact of the case is that one Sunil Kumar Ghosh, the predecessor-in-interest of the present petitioners and father of Late Raja Ghosh was the registered owner in respect of the property comprised within R.S. Dag No.67, Khatian No.391 under Mouza Kalinagar Bade under Touzi No.357 under “Chandina Sattwa” within Budge Budge Municipality. After the demise of Sunil Kumar Ghosh his wife Sadhya Rani Ghosh and son Raja Ghosh inherited the property left by Sunil Kumar Ghosh, since deceased. The wife of late Sunil Kumar Ghosh died on 6th February, 2014 and said Raja Ghosh died on 7th January, 2015. After demise of Sandhya Rani Ghosh and Raja Ghosh, the petitioners inherited the property-in-question. The private respondent nos.5 and 6 are trying to create cloud over the right, title and interest of the petitioners on the property-

in-question by applying for mutation in their name. The aforesaid act of the private respondents was brought to the notice of the concerned authorities by the petitioners vide letter dated 19th June, 2019. However, till date no steps have been taken. Hence, the present writ petition.

Mr. S. P. Mukherjee, learned Advocate for the petitioners submits that the predecessor-in-interest of the petitioners, namely, Late Sunil Kumar Ghosh was the owner of the property-in-question and the petitioners have inherited such property. The private respondents have got no right so far as the property is concerned.

Despite the same they are trying to mutate the property in their name. The petitioners made representation which has not yet been considered by the Budge Budge Municipality. He seeks for appropriate order directing the respondent nos.2 and 3 to consider the representation of the petitioners dated 19th June, 2019.

Mr. Sambuddha Dutta, learned Advocate for the State-respondent also concurs with the submissions of Mr. S.P. Mukherjee, learned Advocate for the petitioners.

Despite service none appears on behalf of the respondent nos.2 and 3, the Chairman and the Secretary of the Budge Budge Municipality, respectively.

Having heard the learned Advocates for the respective parties, the respondent no.2, the Chairman of the Budge Budge Municipality is directed to consider the representation of the petitioners dated 19th June, 2019

within a period of one month from the date of communication of this order after giving an opportunity of hearing to all the concerned including the petitioners in accordance with law.

The result of such disposal shall be communicated to the petitioners within a period of one week thereof.

Petitioners are directed to communicate this order along with the representation upon the respondent no.2, the Chairman of the Budge Budge Municipality.

Since no affidavit-in-opposition has been directed to be filed, the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of the writ petition.

With the above observations, this writ petition being **W.P.A. 2531 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)