

ML. 311
03.04.2024
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17914 of 2022

**Smt. Namita Rani Das @ Namita Das
-versus
The State of West Bengal & Ors.**

**Mr. Dilip Kumar Saha.
Ms. Dhriti Das.
... for the petitioner.**

**Mr. Soumyajit Bhatta
...For the Respondent no. 5.**

**Mr. Pinaki Dhole
Mr. Avishek Prosad
... For the State.**

**Mr. Sudarsan Roy
Mr. Diptanka Majumdar
... For the Municipality.**

The petitioner claims to be the owner of the property in question. Her allegation is that the respondent no. 5 fraudulently executed a sale deed and relying upon the same mutation has been sought for.

An objection has been filed before the North Dum Dum Municipality not to proceed with the application seeking mutation till the Title Suit which has been filed by the petitioner before the learned civil court is disposed of.

Learned advocate representing the private respondent submits that she purchased the property in question long back and mutated in her name in the

records maintained by the Block Land and Land Reforms Officer.

It has been submitted that an earlier Suit was filed by the petitioner in the year 1997 which stood dismissed for default in the year 2002. The petitioner filed a subsequent Suit in the year 2009 on the self same cause of action which is still pending consideration.

It has been submitted that because of pendency of the Title Suit, the Municipality ought not to stay the mutation in favour of the private respondent.

Upon hearing the parties, it appears that the title of the property in question is pending adjudication in a civil proceeding before the competent forum. Mutation is only for the purpose of identification of the person responsible for payment of taxes. Ownership of a property does not depend upon mutation and the same flows from the title deeds.

As it appears that the ownership itself is pending adjudication before the civil Court, accordingly, the Municipality is directed to take steps in terms of the order passed by the learned Civil Court in the pending proceeding.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)