

25.06.2024.
PB
Sl. No.10.
Ct. No.15.

**WPA 20102 of 2023
With
CAN 1 of 2024**

**M/s. Hansraj Properties (P) Ltd.,
represented through its Director
Sri Jasvir Kumar H. Sheth.
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Samrat Chowdhury,
Mr. Sayan Ray,
Mr. Harish Kumar Singh.
... For the Petitioner.
Ms. Piyali Sengupta,
Ms. Manisha Nath.
.....for the KMC.
Mr. Arijit Bardhan,
Mr. Subhajit Manna,
Ms. A. Roy.
.....for the respondent nos.5 to 7.

The petitioner challenges a reasoned order dated March 28, 2018, passed by the Assessor Collector of Kolkata Municipal Corporation regarding mutation of assessment records against premises nos.2131 and 1274, Mahatma Gandhi Road, under Ward No.115.

It appears that there are rival claims over the mutation, with the petitioner on one side and Sri

Kamal Kumar Vijay, Sri Vinod Kumar Vijay and Sri Rishav Surana, on the other.

The Assessor Collector ordered that all assessment, mutation and collection against both the premises nos.1231 and 1274 be kept under suspension until any suitable order comes from the appropriate court of law. The relevant part of the order is quoted below:-

“From careful scrutiny of all points, this can be concluded that two different premises had inadvertently been created against same landed property. In order to rectify this, one premises has to be omitted from the books of records of Kolkata Municipal Corporation on the ground of error of commission after detailed adjudication. On the other hand, Kolkata Municipal Corporation has no statutory jurisdiction to determine right, title and interest of any property. Similarly, in the instant case, Kolkata Municipal Corporation, being an Urban Local Body, cannot ascertain the original ownership of the instant property assessed under two different Premises nos. by executing necessary trial and adjudication.

Hence, it is ordered that all assessment, mutation and collection against both the Premises (1231 and 1274), Mahatma Gandhi Road under Ward No.115) be

kept suspended until any suitable order comes from appropriate Court of Law in this regard.

Both the applicants are free to approach the appropriate forum in this regard and KMC will act in accordance with the order of the Competent Authority, if any.

Copy of this order be supplied to both applicants free of cost.”

In the writ petition, said Sri Kamal Kumar Vijay, Sri Vinod Kumar Vijay and Sri Rishav Surana have not been made parties.

The petitioner by filing CAN 1 of 2024 sought to implead them as parties in this writ petition.

It also appears that the said Sri Kamal Kumar Vijay, Sri Vinod Kumar Vijay and Sri Rishav Surana have filed a Title Suit No.1057 of 2023 in the Court of learned Civil Judge (Senior Division), 7th Court at Alipore, for a decree of declaration and permanent injunction relating to the aforesaid premises.

It is an admitted position before this Court that the writ petitioner has filed its written statement in the said title suit.

In the aforesaid facts, this Court is not inclined to delve into in to the disputed title of the parties.

It is the Civil Court that may adjudicate the disputes between the parties in the pending civil suit.

Needless to mention that corporation shall act in terms of the decree/order of the Civil Court.

With the aforesaid observation, the writ petition being WPA 20102 of 2023 along with the application being CAN 1 of 2024 is dismissed.

(Kausik Chanda, J.)