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Ct. 24 2024

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

WPA 24186 of 2023

M/s. Blackbird Builders Private Limited & Ors.

Vs

Kolkata Municipal Corporation & Ors.

Mr. Siddhartha Banerjee.

Mr. Rahul Karmakar.

Mr. Abhisek Baran Das.

Mr. Soumajit Majumdar.

... For the petitioner.

Mr. Saptansu Basu. Sr. Adv.

Mr. Pran Gopal Das.

Mr. Tanmoy Sett.

... for the respondent nos. 5 & 6.

Mr. Sundor Gopal Bhattacharya.

... for the KMC.

The petitioners made representation before the Corporation praying for incorporation of their names in the municipal records on the strength of the title deeds relied upon by them upon cancellation of the earlier names recorded in favour of the private respondents.

Learned Senior counsel for the private respondents submits, upon instruction that, the question of title is pending adjudication before the learned Civil Court. An order of injunction has also been passed by the learned Court.

Learned advocate representing the Corporation relies upon a report filed by the Assessment Collection Department signed on 17th November, 2023. It appears therefrom that the Corporation has opined that because

of the title dispute, it will not be possible for the Corporation to decide the issue at this stage.

From the submission made on behalf of all the parties it appears that, admittedly, there is a title dispute pending consideration before the learned Civil Court. Mutation is only restricted for the purpose of ascertaining the person primarily liable to pay property tax.

As regards the title, the Corporation does not have any adjudicatory role to play.

In view of the above, it will be open for the parties to get their title adjudicated before the competent forum. The Corporation shall abide by the decision passed by the learned Civil Court.

Report filed by the Corporation be retained with the records.

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.)