

W.P.A. 8032 of 2020

**Iqbal Ahmed
Vs.
State of West Bengal & Ors.**

Mr. Lutful Haque
Ms. Taharima Khatun
...for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka
...for the Howrah Municipal Corporation

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

Though notice has been served upon respondent
nos. 7, 8 and 9 but respondent nos. 10, 11 and 12 could
not be served since door was locked as it has been
reported by the Postal Department.

In the writ petition petitioner has prayed for
insertion of his name in the seventh column of the
Assessment Book-Lands and Building maintained by the
concerned authority of Howrah Municipal Corporation,
relevant portion which is annexed at page 66 of the writ
petition. It has been submitted that in addition to the
name of the petitioner included in column no. 8 as
occupier his name should also have been included in
column no. 7 as owner of the property in question.

It is also submitted by the learned advocate
representing the petitioner that similarly circumstanced
others interested parties, names of whom have been

inserted in column no. 7 as owners. Therefore, petitioner should not be left out and should be described as owner upon such insertion in terms of the order dated 25th November, 2019 passed by a coordinate Bench.

Attention of this Court has also been drawn to memo dated 27th November, 2019 issued by the Deputy Assessor Howrah Municipal Corporation which is at page 64 of the writ petition. It is also submitted on behalf of the petitioner that partition suit is pending before the Civil Court for adjudication of *inter se* right of the petitioner qua private respondents; therefore, if names of the petitioner is not inserted as owner in column no. 7 he may be prejudiced in the pending partition suit.

Howrah Municipal Corporation is represented by Mr. Sandipan Banerjee, learned advocate who submits that vide order dated 25th November, 2019 passed by the coordinate Bench leave was granted to take steps for suitable modification and/or correction of records. Accordingly, order was passed on 27th November, 2019 by the Deputy Assessor, Howrah Municipal Corporation whereby it was decided that name of the petitioner to be included as occupier in connection with the premises in question and accordingly petitioners' name was included in the Assessment Book-Lands and Building in column no. 8 as occupier. It is also submitted on behalf of corporation that unless and until the issue is decided in the pending partition suit same does not come within the

domain of the corporation to decide the *inter se* civil rights of the parties. Therefore, at this stage it may not be appropriate to make further correction of the relevant part of the Assessment Book to describe the petitioner as owner.

Having considered the submissions made on behalf of the parties and on perusal of the records it appears that pursuant to the order dated 25th November, 2019 of the coordinate Bench Deputy Assessor, Howrah Municipal Corporation passed an order for correction of relevant part of Assessment Book in order to include the name of the petitioner as occupier in column no. 8.

Accordingly, insertion has been done on inclusion of name of the petitioner. On the submission made on behalf of the petitioner it appears that the petitioner apprehends insertion of his name as occupier in the Assessment Book of the corporation would prejudice him in vindicating his right as owner of the share of the property in question in the pending partition suit. It has also been rightly pointed out on behalf of the corporation that civil disputes amongst the parties cannot be decided by the corporation for the purpose of maintaining its record.

In addition thereto, it further appears that insertion of name of the petitioner as occupier in the Assessment Book should not be a determining factor in deciding *inter se* rights of the parties in the pending

partition suit. Concerned authority of the corporation took steps based on the leave granted by the coordinate Bench by passing an order in order to discharge statutory obligation but that should not have any bearing in deciding the rights of the parties in the partition suit, if pending.

With the aforesaid observations, the writ petition stands disposed of.

However, if ultimately the partition suit is decided in favour of the petitioner this order shall not preclude the petitioner to approach the concerned authority of Howrah Municipal Corporation for correction of relevant part of the Assessment Book pertaining to the property in question for inserting the name of the petitioner appropriately.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)