

ORDER SHEET

WPO/22/2017

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AMIT KUMAR GHOSH
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 12th December, 2024.

Appearance:
Mr. Subrato Dutt, Adv.
...for the petitioner

1. The Court: Heard the learned counsel for the petitioner.
2. In spite of being directed on the last date being 21st November, 2024, neither the learned counsel for the KMC is present nor has any status report, as called for, been placed by the KMC.
3. The petitioner's case in the present writ petition is that on or about 06.09.2013 the petitioner purchased a ground floor, South side (front portion) flat of Premises No.64/53A, Khudiram Bose Sarani (formally Belgachia Road), P.S. Ultadanga, Kolkata – 700037, under Ward No.3 of Kolkata Municipal Corporation by a registered Deed of Conveyance, which was executed and registered on 06.09.2013 in the office of the Additional District Sub-Registrar at Sealdah. Thereafter, on 26.08.2015, the petitioner applied for apportionment and mutation of the said flat before the respondent no.2 with necessary mutation

processing fees of Rs.100/-. The petitioner also deposited Form A-42 and the other pertinent documents for the said purpose with the Municipal Authorities. Accordingly, the receipt was granted by the Municipal Authority. On 15.12.2015, the petitioner made a representation to the respondent no.2 regarding the mutation and apportionment of the petitioner. The said representation was received by the office of the respondent no.2 on 17.12.2015 by granting official receipt but no information was given to the petitioner for mutation and apportionment of the said flat. On 29.04.2016, another reminder was sent by the petitioner regarding the mutation and apportionment of the said flat in favour of the petitioner on the basis of his application dated 26.08.2015 but the respondent no.2 arbitrarily and illegally had not furnished any information to the petitioner. As a result thereof, as on date, the petitioner is still in dark regarding the fate of his application. Hence, the writ petition.

4. The petitioner further states that he came to know from his Constituted Attorney that by a communication being No.24/16-17 dated 26th May, 2016 by the Assistant Assessor Collector (North Division III) inter alia stating "Queries regarding mutation and Apportionment of the abovementioned premises from your end, this is to inform you that your mutation/apportionment filed is lying with law Department of Kolkata Municipal Corporation w.e.f. 02.02.2016".
5. It is thus seen that the representations of the petitioner including his application dated 26.08.2015 is pending before the concerned

authorities and till date, no development in the said matter has been communicated to the petitioner.

6. When an application for a certain service is made before an appropriate authority, it is for the authority to expedite such cases considering that it is their duty to do so. But it appears that in certain cases the matters are kept long pending causing serious prejudice to the applicant.
7. The present writ petition is thus disposed of with the direction upon the appropriate authorities, more specifically the Assessor Collector (North) being the respondent no.2 herein to dispose of the prayer of the petitioner which has been submitted before him by way of several applications including the application dated 26.08.2015 on giving a proper hearing to the petitioner and also consider all the supporting documents if submitted by the petitioner and decide the application in accordance with law within a period of 60 days from the date of this order.
8. All connected applications stand disposed of.
9. Interim orders, if any, stand vacated.
10. Urgent certified website copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

[SHAMPA DUTT (PAUL), J.]