

27.03.2025
Sl. No.61
Ct.3/ tkm

W.P.A. 3060 of 2025
(Mohammed Giaz vs. State of West Bengal & Ors.)

Mr. Asit Kr. Bhattacharya
... .. for the petitioner

Mr. Susanta Pal
Ms. Subhra Nag
... .. for the State

Ms. Tanushree Dasgupta
... .. for KMC
Ms. Raghunath Chakraborty
Mr. Debabrata Chanda
... .. for respondent nos. 5, 6 & 7

1. Affidavit of service is taken on record.
2. Petitioner is challenging the mutation carried out in the name of private respondent nos. 5, 6 and 7 in the municipal assessment records.
3. It is the case of the petitioner that the premises no. 189, Park Street, PO Circus Avenue within Beniapukur PS in KMC ward no. 60 is inherited by the petitioner along with his other eight brothers.
4. Petitioner submits that he is having 1/9th share in the said property. It is his contention that without his consent and knowledge his other brothers have sold the said property to the private respondents by virtue of a deed of sale on 08.02.2021 being deed no. 623 of 2021 which was registered before the Additional District Sub-Registrar Sealdah as full owner fraudulently though the petitioner has 1/9th share in the said property in question. On the basis of the said deed of sale the property got mutated in the name of the private respondents.

5. Petitioner further submits that he is seeking cancellation of the mutation in favour of the private respondents qua the aforesaid property.
6. Learned counsel for the municipality submits that the petitioner has not put any document on record to substantiate that he is the owner of 1/9th share of the said property. It is also submitted that the present writ petition is bereft of material particulars and shall be dismissed.
7. Learned counsel for the private respondents submits that even earlier similar issues were raised by the petitioner and he had sought for cancellation of the mutation earlier too. He has handed over a copy of the order dated 21.12.2021 passed by the Deputy Assessor Collector (South) wherein the petitioner had raised similar issue and the corporation had decided the grievances of the petitioner by way of speaking order.
8. Without going into the substantive merits of the case, this Court finds the present writ petition entirely devoid of merit, as the petitioner has failed to furnish any documentary evidence substantiating his claim of ownership over a 1/9th share in the property.
9. The present writ petition is dismissed with liberty to the petitioner to file a better petition with better particulars in accordance with law.

(Gaurang Kanth, J.)