

27.03.2025
Sl. No. 101
Ct No. 3
SG

WPA 4069 of 2025

**Sakila Begum @ Shakila Begum & Anr.
Vs
The State of West Bengal & Ors.**

Md. Ibrahim,
Mr. S. Banerjee,
Sk. R. Ahmed,
Ms. I. Pandey,
Ms. S. Sayeed.

...for the petitioner

Ms. Piyali Sengupta,
Ms. Paroma Sengupta.

...for KMC

Mr. Srijan Nayak,
Mrs. Rituparna Maitra.

...for the State

Md. Khairul,
Ms. Shabad Alam.

...for respondent no. 5

1. Affidavit-of-service is taken on record.
2. The Petitioners have preferred the present writ petition seeking cancellation of mutation in favour of respondent no. 5 qua premises no. 55/ZE, Tiljala Road, Kolkata. Petitioners have filed an additional affidavit which is taken on record and a copy of the same has been handed over to the respondent wherein petitioners have put an affidavit of all the surviving legal heirs of Rabia Khatoon.
3. Learned Counsel for the petitioners states that petitioners' mother Rabia Khatoon died on 09.01.2003.

At the time of her death she was survived by five daughters and two sons.

4. Learned Counsel for the respondent no. 5 states that petitioners have failed to implead all the legal heirs of Rabia Khatoon in the present proceeding.

5. Ms. Sengupta who appears on behalf of the Kolkata Municipal Corporation submits that the mutation was effected on the basis of an affidavit sworn by respondent no. 5, wherein she declared herself to be the sole surviving legal heir. Relying on this said affidavit, the respondent-corporation has mutated the property premises no. 55/ZE, Tiljala Road, Kolkata in her favour in the municipal records. Although the petitioners submitted a representation dated 22.02.2025 before the respondent-corporation but the same is bereft of material particulars wherein they failed to specify the details of all other legal heirs.

6. This Court grants liberty to the petitioner to make a fresh representation before the respondent-municipal corporation within a period of two weeks from the date of passing of this order. After such representation is made within the time prescribed, the respondent-corporation shall decide the said representation within a period of four weeks from the date of filing of the representation after affording an opportunity of personal hearing to the petitioners as

well as all the respondents/legal heirs of Rabia Khatoon.

7. Needless to state that a speaking order shall be passed within a period of two weeks thereafter and the same shall be communicated to the all concerned parties.

8. With the above direction, the present writ petition is disposed of.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)