

09.04.2025
Sl. No.7
akd

W. P. A. 4637 of 2025

[Goutam Das & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Abhik Sarkar

... .. for the petitioners

Mr. Arijit Sarkar

... .. for the Municipality
[Serampore Municipality]

Ms. Jhuma Chakraborty

Ms. Munmun Tewari

... .. for the State

1. The petitioners have preferred the present writ petition seeking directions upon the respondent-Serampore Municipal Corporation to effect mutation of their names in respect of the property situated at premises no.72, Mukherjee Para Lane, P.O & P.S. Serampore, Dist. Hooghly and also to grant water connection to the said property.
2. It is the case of the petitioners that they are the recorded owners of the said premises. However, the present writ petition is conspicuously silent on any credible document evidencing their title or lawful ownership over the said premises in question.
3. Learned Advocate for the respondent-Serampore Municipality has drawn attention of this court to an order passed by the then Chairman dated 23.09.1996 wherein the same issue was agitated and the order was passed by the Chairman against the petitioners that they have failed to provide any requisite document regarding mutation of the property in their favour.
4. Learned Advocate for the petitioners have drawn the attention of this court to an order passed in T.A. No. 03 of 2014 wherein the appeal was withdrawn by the petitioners. However, the order passed by the learned Civil Judge (Junior Division) at

Serampore in T.S. No. 151 of 2001 dated 01.12.2001 which was under challenge in the appeal, is not on record. No copy of the judgment or any finding passed therein has been annexed, leaving the court unable to ascertain any conclusive finding regarding title. Since nothing is on record to show that the petitioners are the owners of the said property, this court cannot pass any order directing the Serampore Municipality to consider the representation of the petitioners for grant of mutation or to provide water connection to them.

5. Learned Advocate for the petitioners submits that he has put the B.L.&L.R.O. record which is of the year 1994 prior to the passing of the order passed by the Chairman, Serampore Municipality wherein the issue of ownership of the premises was under dispute. Subsequently, the petitioners had instituted a civil suit being T.S. No.151 of 2001 wherein an order has been passed, however, a copy of the said order has not been placed on record.

6. In view of the absence of foundational documents substantiating ownership and given that the dispute concerning title involves crucial factual adjudication, this court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India, as the present writ petition is bereft of essential material particulars and is primarily premised on disputed questions of fact. Consequently, this Court finds that the matter is not amenable to resolution within the constrained ambit of writ jurisdiction. Furthermore, the petitioners have failed to establish their title to the property in question through any cogent or credible documentary evidence placed on record. It is pertinent to mention that the reliance placed on the records of

the B.L & L.R.O., at best, may indicate possession but does not, by any means, confer or establish ownership over the said property in dispute.

7. In view of the same, the present writ petition is dismissed.

8. There shall be no order as to costs.

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

(Gaurang Kanth, J.)