

22.09.2025  
Sl. No. 33  
Ct No. 3  
SG

**WPA 4920 of 2023**  
**Sri Jayanta Kumar Das & Anr.**  
**Vs**  
**The State of West Bengal & Ors.**

Mr. S.T. Mina,  
Ms. Priyanka Das,  
Mr. Pratick Sardar,  
Mr. Avisek Das.

...for the petitioners

Mr. Biswajit Mukherjee,  
Ms. Manisha Nath.

...for KMC

Mr. Santanu Mitra,  
Ms. Rama Halder.

...for the State

Mr. Avirup Chatterjee,  
Mr. Rishov Das.

...for the private respondent

1. The petitioner in the present writ petition, seeks a direction upon the respondents to delete/cancel the name of Shaidul Islam and to restore the name of Kali Sankar Das as the owner in respect of premises no. 30/6, Fazlul Haque Sarani, Kolkata, as recorded in the records of Kolkata Municipal Corporation.
2. The case of the Petitioner is that his deceased father, late Kali Sankar Das, was recorded in the municipal records under Assessee No. 11-064-19-00310 qua the abovementioned premises. From the year 1965 until 2020, the municipal records reflected his name as the owner of the property. Upon the demise of late Kali

Sankar Das, the Petitioner, being his legal heir, claims to have succeeded to the said property.

3. On 08.04.2022, while approaching the office of the Respondent Corporation to collect the property tax bill for the year 2022–2023, the Petitioner discovered that the assessee's name in the municipal records had been changed to that of one Shaidul Islam. The Petitioner submits that he thereafter filed an application under the Right to Information Act, 2005 and, upon complying with all requisite formalities, obtained various documents, including a certified copy of a gift deed dated 24.07.2020, on the basis of which the name of the said Shaidul Islam was mutated in respect of the premises in question. According to the Petitioner, there are material discrepancies in the said gift deed, and the Respondent Corporation ought not to have acted upon it for the purpose of mutating the name of Shaidul Islam in the municipal records. He points out that in the gift deed, the donor is stated to be one Abdul Islam, whereas the donee is shown as Shaidul Islam. It is further alleged that the name of the Petitioner's late father has been surreptitiously incorporated in the said gift deed as if he had transferred the property to Abdul Islam, the purported donor.

4. Learned Counsel for the Petitioner further contends that no notice was issued to the Petitioner prior to the deletion of his late father's name from the municipal

assessment records and substitution of the name of Shaidul Islam. Despite several representations made by the Petitioner before the Respondent Corporation, including the last one dated 30.12.2022, no action has been taken.

5. Learned Counsel for the respondent-Municipality submits that the corporation is ready and willing to decide petitioner's representation dated 30.12.2022.

6. Learned Counsel for the petitioner states that the petitioner shall be satisfied if the same is decided within a time bound manner.

7. After hearing the learned Counsel for the parties, this Court directs respondent no. 7 to decide petitioners' representation dated 30.12.2022 within a period of 12 weeks.

8. This direction is issued in view of the observation that the mutation granted in favour of the private Respondent is based on a gift deed which records the donor as Abdul Islam and the donee as Shaidul Islam, but does not indicate that the property devolved upon the private Respondent through any gift executed by late Kali Sankar Das. The registered conveyance deed dated 26.06.1969, executed in favour of Abdul Islam, who is shown as the donor in the impugned gift deed, must be taken into consideration. While deciding the Petitioner's representation, the Respondent Corporation shall ensure that the private Respondent relies upon and establishes

his claim with reference to the registered conveyance deed dated 26.06.1969, under which the property was transferred from late Kali Sankar Das to Abdul Islam. From the records and the submissions made by learned Counsel for the Respondent Corporation, it appears that the Corporation acted solely on the basis of the gift deed and the mutation application supplied, which resulted in the alteration of the assessment records.

9. Keeping these observations in mind, the respondent-Corporation shall decide petitioners' representation within a period of 12 weeks, strictly in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as the private respondent, by way of a speaking order.

10. With the above directions, the present writ petition is disposed of.

11. The instruction forwarded to the learned Counsel for the respondent-Corporation be kept on record.

12. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

13. There shall be no order as to costs.

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

**(Gaurang Kanth, J.)**