

17.03.2025
Ct. no.2
Sl. 12
Moumita

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5158 of 2025

Sri Tapan Mallick @ Tapan Kumar Mallick
Vs.

The State of West Bengal & Ors.

Mr. Joyjit Roy Choudhury
Mr. Dhrubabrata Basu

.... For the Petitioner

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Srinanth Singha Roy

... For the State-Respondents

Affidavit-of-service, filed in Court today, is taken on
record.

Mr. Joyjit Roy Choudhury, learned advocate
appears for the petitioner.

Mr. Srinanth Singha Roy, learned Advocate led by
Mr. Soumitra Bandyopadhyay, learned senior Advocate
appears for the State-respondent no. 1.

None appears for the rest of the respondents.

The petitioner submits that by virtue grant of
probate by the jurisdictional Civil Court **annexure p-1 at
page 12**, the petitioner has become owner of an
immovable property mentioned therein. The petitioner
claims mutation. The mutation application has been
submitted on **December 5, 2024 annexure p-2 at page
17** to the writ petition. Since no step has been taken a
demand notice has been served on behalf of the petitioner

through his advocate's letter dated **February 17, 2025 annexure p-4 at page 29** to the writ petition.

In view of the above, the respondent no. 3 shall forthwith consider the mutation application submitted by the petitioner, as referred to above. In the event, the petitioner is required to submit any application in the prescribed form the same shall be done by the petitioner positively within a period of **two weeks** from date.

The respondent no. 3 shall dispose of the mutation application of the petitioner positively within a period of **eight weeks** from the date of communication of this order.

In the event the mutation is rejected, the rejection with reasons shall be communicated to the petitioner within a further period of **one week** upon expiry of the said **eight weeks**.

It is made clear that this court has not gone into the merits of the claim of the petitioner.

It is also made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 3 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 5158 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)