

Sl. No.03
20.06.2025
Suman
Ct. 15

WPA 8325 of 2025

M/s. Dynamic Villa Private Limited and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Ashok Kumar Banerjee, Sr. Adv.
Mr. Tapojit Dey
Mr. Samaruddha Das
Mr. Suraj Kumar Shaw
Ms. Ishita Ghosh
Ms. Susmita Banerjee
..for the petitioners

Mr. Tanmoy Mukherjee
Ms. Jayashree Saha
Mr. Partha Chakraborty
Mr. Muhammad Obaid
..for respondent nos. 8 to 23

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
..for the State

Mr. Amales Ray
Ms. Mousumi Bhowal
Mr. Aman Gupta
..for South Dum Dum Municipality

The petitioners seek mutation of the assessment records maintained by the South Dum Dum Municipality in respect of the lands described in paragraph 4 of the writ petition, in their favour. The petitioners assert ownership over the said lands by virtue of certain registered sale deeds.

It appears that the relevant lands have already been mutated in the records of the Municipality in

favour of respondent nos. 8 to 23. The Municipality submits that such mutation was effected on the basis that the names of respondent nos. 8 to 23 had already been recorded in the land records maintained by the Block Land & Land Reforms Officer, Barrackpore (II).

However, learned counsel representing respondent nos. 8 to 23 concedes that their names have not been recorded in the land records. It is submitted on their behalf that a middleman was engaged to procure mutation of their names in the land records relying on certain registered sale deeds in respect of the same property. Due to miscommunication and misconception, they were under a wrong impression that their names had been recorded in the land records.

Before this Court, learned counsel for respondent nos. 8 to 23 has clarified that their names have not, in fact, been recorded in the relevant land records.

The Municipality mutated the names of respondent nos. 8 to 23 in the municipal records on the mistaken assumption that their names had already been recorded in the land records.

In view of the foregoing, I am of the opinion that the Municipality ought to recall the order of mutation and reconsider the applications for mutation of both

the petitioners and respondent nos. 8 to 23 in accordance with law.

Accordingly, the mutation effected in favour of respondent nos. 8 to 23 in the assessment records of South Dum Dum Municipality in respect of the relevant lands is hereby set aside.

The Municipality shall afford an opportunity of hearing to the petitioners as well as respondent nos. 8 to 23 and shall re-examine the issue of mutation afresh in accordance with law. The parties shall be at liberty to produce all necessary documents in support of their respective claims before the Municipality.

The entire exercise shall be completed within a period of three months from the date of this order.

It is expressly clarified that this Court has not considered or expressed any opinion on the merits of the claims of the rival parties. The Municipality shall pass a fresh order of mutation uninfluenced by any observations made herein.

Accordingly, **WPA 8325 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)