

16.07.2025
Ct. No. 30
S.L. No. 27
SM

WPA 9396 of 2021
Dipankar Sinha
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Biswajit Mukherjee
Ms. Sima Chakraborty
.....for the K.M.C.

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging the letter dated 3rd December, 2019 passed by the respondent no. 4 the Deputy Assessor Collector (S.S. Unit), Kolkata Municipal Corporation.
3. The petitioner is the owner of the property of the flat in this case since the year 2012 by virtue of a registered deed of conveyance, which was duly executed on 31st day of March, 2012, and registered in Book-I, CD Volume number 5, page from 9694 to 9732, Being No. 04036 for the year 2012 before the office of the District Sub-Registrar II, South 24 Parganas.
4. On hearing the learned counsels and the learned counsel appearing for the Kolkata Municipal Corporation, it appears from the record that vide a Mutation Certificate dated 03.12.2019,

the premises in the present case was mutated in the name of the writ petitioner herein.

5. Subsequently, a notice dated 28.02.2020 was issued to the writ petitioner herein wherein it appears that on a complaint by the Secretary of the Co-operative Society regarding the mutation, the petitioner was called for a hearing on 03.04.2020.

6. It is submitted by the learned counsel for the writ petitioner that during the relevant period, there was a pandemic due to Corona Virus and as such he could not attend the said hearing nor could he inform the Deputy Assessor Collector about the same.

7. Subsequently, vide a letter dated 22.12.2020 the petitioner informed the authority concerned. But vide a letter dated 29.12.2020 the Deputy Assessor Collector passed an order as follows.

“To

Dipankar Sinha.

233/C, Fakir Para Road, (2nd Floor).

Kolkata: 700034.

Re: Premises No: 233C, Fakir Para Road.

Hearing against above mentioned premises has been executed and ex parte on 14/10/2020 at the Office of The Assessor-Collector (S.S.Unit).

As decided on that hearing the mutation has already been cancelled in respect of Assessee No: 41-130-06-0362-6, 41-130-06-0363-8 and 41-130-06-0366-3 and P/L has been made in the name of Mala Mazumder, Dipankar Sinha & Tapan Kr Mullick.

This is for your information.

Sd/-

Deputy Assessor Collector (S.S. Unit)”

8. On perusal of the said order it is clear that the Deputy Assessor Collector has passed an unreasoned order and without providing any reasoning or findings has cancelled the mutation. The said conduct is against the principle of natural justice and also an abuse of the process of law.

9. Learned counsel for the petitioner has relied upon an order in a similar case passed by a Co-ordinate Bench of this Court in WPA 9393 of 2021 dated 25.11.2022.

10. It appears from the record that though the notice dated 28.02.2020 intimates that the hearing will be held on 03.04.2020, it was finally held on 14.10.2020.

11. It is also evident that the notice of the hearing held on 14.10.2020 was never served upon the petitioner but the Deputy Assessor Collector

without being satisfied about the service decided the case ex parte against the petitioner.

12. In view of the above, the impugned communication of the Deputy Assessor Collector (S.S. Unit) dated 29th November, 2020 is set aside and quashed.

13. The Deputy Assessor Collector is directed to give proper opportunity of hearing to the petitioner and forward all documents to the petitioner requiring a reopening of the mutation case which stood finalized in December, 2019.

14. The writ petition stands disposed of.

15. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Shampa Dutt (Paul). J]