

08.04.2025
Sl. No. 29
Ct No. 3
SG

WPA 19056 of 2024

**Suchitra Talukdar & Anr.
Vs.
Kolkata Municipal Corporation & Ors.**

Ms. Somashree Saha,
Mr. Sanjib Kr. Ghosh.
...for the petitioners

Ms. Koyeli Bhattacharyya,
Ms. Paroma Sengupta.
...for KMC

Mr. Debjit Mukherjee,
Ms. Priyanka Jana.
...for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioners have preferred the present writ petition seeking a direction upon the respondent authorities for effecting mutation of their names in the assessment register of the Kolkata Municipal Corporation, in respect of Bidisha Apartment, Flat No. D-13, 4th Floor, 12E, Ballygunge Station Road, Kolkata.
3. It is the case of the petitioners that they had duly applied before the concerned municipal authorities for such mutation. However, the said application was returned to the petitioners on

30.05.2024 without being adjudicated on merits, prompting the filing of the present writ petition.

4. Learned Counsel for the petitioners has drawn the attention of this Court to the relevant document wherein the erstwhile owner from whom the petitioners received this subject property by way of a registered gift deed, had already been recorded in the assessment register of the Kolkata Municipal Corporation. It is also submitted that the subject premises was constructed pursuant to sanctioned building plan and is not an unauthorized construction.

5. Learned Counsel for the respondent-Kolkata Municipal Corporation submits that it has come to the knowledge of the corporation that the said property is likely to fall within the category of 'Thika tenancy' and the certain proceedings in relation to the said property are allegedly pending before the Thika Controller.

6. Be that as it may, this Court is of the considered view that the Assessor Collector (South), Kolkata Municipal Corporation, being the appropriate authority ought to consider the petitioners' application for mutation afresh, particularly in the light of the undisputed fact that the erstwhile owner of the property from whom the petitioners received the said property by way of gift deed, was already recorded owner in the assessment records of the Kolkata

Municipal Corporation and the said premises has been constructed after a duly sanctioned plan.

7. Accordingly, the Assessor Collector (South), Kolkata Municipal Corporation is directed that the authority shall consider the application of the petitioners within a period of four weeks from the date of communication of this order after affording an opportunity of hearing to the petitioners by way of a speaking order. The application which has been previously rejected shall be taken on record and be decided in terms of these observations within the time specified hereinabove.

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

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

10. There shall be no order as to costs.

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

(Gaurang Kanth, J.)