

03.03.2025
Item M.L./42
AN/Ct. No. 15

WPA 25453 of 2023

**Sibnath Chattopadhyay
vs.
The Kolkata Municipal Corporation ors.**

Mr. Sanjay Bose
Mr. Priyankar Basu Mallick
Mr. Sayandeep Chandra
... for the petitioners

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for the K.M.C.

The petitioner's grievance is that a portion of the premises at 59A, K.K. Majumdar Road, Kolkata-700 075, which is owned by him, has been mutated in favour of respondent no.4 without prior notice to him. The assessment record was mutated in favour of respondent no.4 in 2022 based on a registered sale deed.

The Corporation submits that it received an objection from the petitioner's learned advocate regarding the mutation. In 2023, the petitioner's son-in-law was contacted, and the Municipal Corporation explained to him that the mutation was carried out in accordance with the existing practices and norms of the Corporation.

Based on the Corporation's stance, it is evident that the petitioner was not afforded a hearing before the mutation of the assessment record. Only his son-in-law,

approximately one year later, was provided with a post-facto hearing.

In light of the above, I am of the opinion that the course of action adopted by the Corporation was improper. The petitioner should have been notified prior to the mutation of the relevant assessment record in favour of respondent no.4.

Therefore, I dispose of this writ petition by directing respondent no.3 to hear the petitioner and respondent no.4, and to reconsider the issue within one month from the date of this order, by passing a reasoned decision. It is understood that the parties shall be at liberty to rely upon all relevant documents in their possession.

Accordingly, **WPA 25453 of 2023** is disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Kausik Chanda, J.)