

Sl. No.52
25.02.2025
Suman
Ct. 15

WPA 27402 of 2023
Sanjoy Sadhukhan and Anr.
Vs.
The State of West Bengal and Ors.

Ms. Kaberi Ghosh (Dey)
..for the petitioners

Mr. Srijan Nayak
Ms. Rituparna Maitra
..for KMC

Mr. Debnath Ganguly
Mr. Aranya Saha
Mr. Supriyo Dutta
Mr. Jogendra Pandey
..for respondent no.9.

Mr. Dwarika Nath Mukherjee
Mr. Manik Lal De
..for the State

The assessment record of the Kolkata Municipal Corporation for the property located at Premises No. 26A, Bhupendra Bose Avenue, Kolkata-700004, was originally registered in the name of Sailen Sadhukhan, who has since passed away on October 11, 2016. His wife also passed away on March 9, 2021. Subsequently, the Kolkata Municipal Corporation altered the property's assessment record to reflect the name of Respondent No. 9, who asserts that she is the beneficiary of a will executed by Sailen Sadhukhan. The petitioners, however, claim to be the legal heirs of

Sailen and challenge the mutation of the assessment record in favor of Respondent No. 9.

Interestingly, Respondent No. 9 contends that she never applied for the mutation of the assessment record in her name. She asserts that the documents upon which the mutation was based are forged and were never submitted to the Corporation by her. As a result, Respondent No. 9 seeks the cancellation of the mutation order in her favour.

In these unique circumstances of this case, I hereby set aside the mutation order passed in Case No. 0/010/26-SEP-22/140381 concerning Assessee No. 110100700372.

This Court has been informed that a probate proceeding is currently pending before the competent Civil Court regarding the will executed by Sailen. The parties involved are at liberty to approach the Civil Court to seek appropriate relief concerning the mutation of the assessment record in light of Sailen Sadhukhan's death. Based on the order issued by the Probate Court, the Kolkata Municipal Corporation shall take further action as required.

Accordingly, **WPA 27402 of 2023** 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.)