

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/523/2025

TAPAS RANJAN KUNDU CHOWDHURY
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date: 25th September, 2025.

APPEARANCE:

Mr. Ramesh Sharma, Adv.

Mr. Sourav Kr. Mukherjee, Adv.

Ms. Sahana Pal, Adv.

...for the petitioner.

Mr. Alak Kr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

...for KMC.

Mr. Supratim Laha, Adv.

Mr. Arijeet D. Mullick, Adv.

Ms. Pallabi Sardar, Adv.

...for the proforma respondent no. 7.

Ms. Susmita Paul, Adv.

...for respondent no. 8.

The Court: Affidavit of service filed is taken on record.

Learned counsel for the respondent no. 6 states that the respondent stays outside the jurisdiction of the Original Side but does not wish to press this objection.

The petitioner has preferred the present writ petition challenging the insertion of the name of respondent no. 6 as the owner of the property situated at 162, Bipin Behari Ganguly Street, Kolkata-700012 and seeking restoration of the name of "Estate of Benode Behari Kundu Chowdhury Appd Share" as the owner of the said property.

The case of the petitioner is that late Binod Behari Kundu Chowdhury was the absolute owner of the said premises and the municipal records also reflect his name as such. During his life time, he gifted the eastern portion of the property to the petitioner and the western portion to his other son namely. Rajat Ranjan Kundu Chowdhury. Upon demise of Rajat Ranjan Kundu Chowdhury, the western portion devolved upon his two sons namely, Soumik Kundu Chowdhury and Sourajit Kundu Chowdhury. After the death of Sourajit Kundu Chowdhury, his share devolved upon his wife Bhaswati Paul. Accordingly, the western side of the premises came to be owned by Soumik Kundu Chowdhury and Bhaswati Paul (private respondent nos. 7 and 8).

Both the eastern and western sides of the premises have been properly demarcated by a boundary wall. No steps were taken to effect the mutation of the property in the name of the petitioner and the legal heirs of late Rajat Ranjan Kundu Chowdhury. The property continued to stand in the name of "Estate of Benode Behari Kundu Chowdhury Appd Share" and property taxes were paid by the parties in equal shares. In the last week of April, 2025 when the petitioner approached respondent no. 7, he was informed that respondent no. 7 had already paid his share. On approaching the respondent Municipality, the petitioner discovered that not only had the property tax been paid upto date but also the entire estate has been mutated in the name of respondent no. 6. Upon further query, it came to light that the respondent no. 7 had executed a registered agreement for sale dated 10.05.2024 in favour of the respondent 6 representing himself as the

sole owner of the western side of the property, to the exclusion of respondent no. 8.

Learned counsel for the petitioner submits that by virtue of the registered gift deed dated 06.04.1962, the petitioner is the owner of the eastern side of the property. Accordingly, respondent nos. 1 to 5 ought not to have mutated the entire property in favour of the respondent no. 6. Even as per the agreement for sale dated 10.05.2024, respondent no. 6 could have claimed rights only over the western side of the premises. The petitioner, by a legal notice dated 25.06.2025 called upon respondent nos. 1 to 5 to delete the name of respondent no. 6 and to reinstate the name of "Estate of Benode Behari Kundu Chowdhury Appd Share" in the municipal records.

Learned counsel for the respondent Municipality, Mr. Ghosh states that the said mutation has been done based on the sale deed executed on 23rd of August, 2024. A copy of the sale deed is kept on record of this Court.

A mere perusal of the copy of the sale deed, particularly the schedule of the property reveals that the sale deed has not been executed in respect of the entire property and that the respondent no. 6 has only purchased the share of Mr. Soumik Kundu Chowdhury, the respondent no. 7.

Learned counsel for the respondent no. 8 states that even the sale deed which has been executed has been wrongly executed since she also holds rights over the western side of the property.

Be that as it may, this Court is presently concerned only with the issue of mutation of the property in favour of Respondent No. 6. From a

plain reading of the sale deed itself makes it evident that the entire property has not devolved upon Respondent No. 6.

At this stage, learned counsel for the respondent Corporation, Mr. Ghosh states that the corporation is ready and willing to consider the grievances raised by the petitioner in the aforesaid legal notice dated 25.06.2025. Learned counsel for the petitioner states that the petitioner shall be satisfied if the same is decided within a time-bound manner.

In view of the above, the present writ petition is disposed of with a direction upon any competent officer amongst the respondent nos. 1 to 5 to consider and decide the grievances raised by the petitioner in the legal notice dated 25.06.2025, strictly in accordance with law after affording an opportunity of hearing to the petitioner and the private respondents herein within a period of twelve weeks and to pass a reasoned and speaking order thereafter.

Needless to state, the aggrieved parties shall be at liberty to challenge the same in accordance with law.

With the above directions, the present writ petition being WPO No. 523 of 2025 stands disposed of.

Learned counsel for the petitioner is granted liberty to initiate appropriate proceedings, in accordance with law, with respect to the alleged unauthorised construction at the said premises.

(GAURANG KANTH, J.)