

WPO/736/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SUDIP GUPTA

-VERSUS-

THE MUNICIPAL COMMISSIONER, THE
KOLKATA MUNICIPAL CORPORATION
AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 22nd January, 2025

Appearance:

Mr. Anujit Mookherjee, Adv.

Mr. harsh Tiwari, Adv.

Mr. Bhupendra Gupta, Adv.

Mr. Hamidul Haque, Adv.

Ms. Ojasvi Gupta, Adv.

Mr. Anwar Hossain, Adv.

...for the petitioner.

Mr. Debjit Mukherjee, Adv.

Mr. S. K. Singhi, Adv.

Mr. Sumoy Roy, Adv.

Mr. Rituja Mukherjee, Adv.

Mr. Ritoban Sarkar, Adv.

...for the respondent nos.5 & 6.

Ms. Sima Chakraborty, Adv.

Mr. Fazlul Haque, Adv.

...for the KMC.

The Court: The petitioner challenges mutation of assessment record in respect of a room at premises no.116A, 8, Amratala Street, Burrabazar, Ward No.42, Borough-V within the jurisdiction of Kolkata Municipal Corporation in favour of respondent nos.5 and 6. It is the grievance of the petitioner that no such room exists at the said premises. Respondent nos.5 and 6 sought to convert a common area into a shop-room.

It is also submitted that, challenging the sale deed of respondent nos.5 and 6, they have filed Title Suit No.2602 of 2022 before the City Civil Court at Kolkata and obtained a status quo order.

On behalf of respondent nos.5 and 6 it is submitted that they have purchased the relevant shop-room by virtue of a registered deed and thereafter made an application in terms of Section 183 of the Kolkata Municipal Corporation Act, 1980 for mutation. Following such application the relevant record has been mutated in their favour.

The Corporation submits that since it is an old building, there is no available sanctioned plan for the building.

It does not appear that at the time of carrying out the mutation, the writ petitioner filed any objection. He has filed an objection only after the mutation was effected.

I find no justification in keeping this writ petition pending. Accordingly, I direct the Corporation to consider the objection filed by the petitioner appearing at page 70 of this writ petition within a period of two months from date giving notice to all concerned, in accordance with law.

Till a decision is arrived at by the Corporation, the mutation carried out in favour of the respondent nos.5 and 6 shall not be given effect to by the Corporation.

It is made clear that this order shall not affect the pending suit between the parties.

WPO/736/2024 accordingly stands disposed of.

(KAUSIK CHANDA, J.)