

13. 27.01.2026.
Court No.03.
(Pritam)

WPA 22156 of 2025.

Mahatab Alam.

-Vs.-

State of West Bengal & Ors.

Ms. Sana Naaz.

.....for the petitioner.

Mr. Yash Bardhan Deora.

.....for the State.

Mr. Biswajit Mukherjee,
Ms. Gulnaz Quaraishi.

.....for the KMC.

Mr. Amit Sharma,
Mr. Abhishek Kr. Agrahari.

.....for the respondent.

1. Though the writ petitioner seeks to challenge the Mutation Certificate issued in favour of the respondent nos.8 & 9, I find that it is the petitioner's case that the property in question being premises No.F/89, Garden Reach, Kolkata-700024, originally belong to the Shiv Dayal Shaw to the extent of 1 Cottah, 11 Chittacks and 06 sq.ft, together with tile shed structure standing thereon.
2. According to the petitioner after the demise of Shiv Dayal Shaw, his legal heirs and successors filed a partition suit in the year 1963 which was registered as Title Suit No.7/1963 before the learned 6th Subordinate Judge at Alipore. The said title suit was ultimately

decreed in terms of the *Solenama*, whereunder the said Sri Hari Charan Shaw and Sri Kailash Nath Shaw and other co-sharers jointly seized and possessed the property free from all encumbrances.

3. It is also the petitioner's case that while in joint possession, the said Sri Hari Charan Shaw and Sri Kailash Nath Shaw and other co-sharers jointly sold and transferred the entire property, with structure standing thereon vide a registered Deed of Conveyance which has been registered in the District Sub-Registrar at Alipore in the year 1969 (dated 15th January, 1969). Consequent upon the same, the name of Rukia Bano was mutated in the records of the Kolkata Municipal Corporation.
4. Subsequently, the said Rukia Bano, wife of Akhtar Ali, transferred the aforesaid property to Sabiya Khatun, and the petitioner claims to be the legal heir of the said Sabiya Khatun, who has since died.
5. According to the petitioner, the private respondent nos.8 & 9 had on the basis of a fraudulent decree passed in Title Suit No.983/2019 got the aforesaid property recorded in their names in the municipal records.
6. It is also alleged that the aforesaid recording is incorrect and should be cancelled.
7. The municipality is also represented.

8. I, however, find that the petitioner, without making any proper representation, has approached this Court to seek alteration of the municipal records. It is well-settled that no Writ of Mandamus can be issued without there being a demand for justice.
9. However, at the same time considering the fact that the petitioner seeks for correction of the municipal records by examination of the records by this Court, I am of the view that it shall only be appropriate at this stage to permit the petitioner to make appropriate representation before the municipality within two weeks from date. If such representation is made, the municipality shall consider the same in accordance with law upon giving proper opportunity of hearing to all the concerned parties by passing a reasoned order as expeditiously as possible preferably within a period of 8 weeks from the date of communication of this order.
10. The writ petition thus stands disposed of.

(Raja Basu Chowdhury, J.)