

10.02.2026
sayandeep
Sl. No. 18
Ct. No. 03

WPA 28825 of 2025

Malaya Basak & anr.
Vs.
The Kolkata Municipal Corporation & ors.

Mr. Haradhan Banerjee
Mr. Partha Pratim Mukhopadhyay
Mr. Suresh Kumar Sahoo
.....for the petitioners
Mr. Biswajit Mukherjee
Mr. Debanjan Mukherjee
..... for the KMC

1. The petitioners claim to be the legal heirs of the recorded owner in respect of the premises No. 7B, 7D and 7/1G, Gobra Road. According to the petitioners, although a suit was filed by the private respondent against the predecessor-in-interest of the petitioners before the Court of 2nd Munsif at Sealdah which was registered as title suit No. 382 of 1981 for a declaration of tenancy rights in respect of 1 katha of land in respect of premises No. 7B Gobra Road, however by a judgment and decree dated 17th February, 1989, the suit was dismissed on contest against the defendant No. 1 and ex-parte against the defendant Nos. 2 and 3.
2. According to Mr. Banerjee, learned advocate representing the petitioners, the private respondent by suppressing the aforesaid decree and behind back of the petitioners not only got the premises No. 7/1G amalgamated with

premises No. 7B, Gobra Road but had also got the property mutated and had also obtained a sanctioned building plan from the municipal authorities. It is in the circumstances aforesaid, the petitioners had made a representation before the municipal authorities not only with regard to the cancelation of the amalgamation and the consequential mutation; the petitioners had also sought for cancelation of the sanctioned building plan. Such application dated 13th May, 2025 which has been received by the municipality on 17th May, 2025, is yet to be adjudicated by the municipality.

3. Having regard to the state of affairs prevailing, Mr. Banerjee would submit unless mandatory directions are issued on the municipality to forthwith decide the petitioners' application, the petitioners will suffer irreparable loss and, it is more unlikely than not that the private respondent may on the basis of the aforesaid documents which remains outstanding against the petitioners deal with and/or disposed of the same.
4. Considering the peculiar facts noted hereinabove and having heard Mr. Mukherjee, learned advocate appearing for the municipality and the materials on record, though the private respondent remains unrepresented, I am of the view that the instant writ petition can be disposed of by directing the

municipality to forthwith consider and dispose of the petitioners' application dated 13th May, 2025 which was received by the municipality on 17th May, 2025 by giving opportunity of hearing to the parties as expeditiously as possible preferably but not later than 6 weeks from the date of communication of this order. The reasoned decision must be communicated to the parties. If on the basis of the decision to be taken by the municipality, it transpires that the amalgamation and mutation has been effected de hors the statutory provisions, all consequences thereto shall follow.

5. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)