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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/477/2026

SUDARSHAN PRASAD SINGH
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 12th November, 2026

Appearance :
Mr. Amal Sen, Adv.
Mr. Subhasis Bandopadhyay, Adv.
Mr. Nilanjan Adhikari, Adv.
….for petitioner
Mr. Biswajit Mukherjee, Adv.
Mr. Debanjan Mukherjee, Adv.
…for the KMC

1. Affidavit of service filed in Court today is taken on record.

2. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to forthwith record the petitioner's name as a Transferee Title Holder in the assessment book of the respondent no.1 in respect of premises number 4/H/1, Commissariat Road, Kolkata – 700 022 without relying upon or taking note of the Memo dated 16th September, 2026.

3. Mr. Sen, learned advocate appearing in support of the writ petition has drawn attention of this Court to the deed of conveyance dated 29th November, 2013 and would submit that the petitioner has purchased 2 cottahs 14 chittacks of land along with a single storied brick built structure with tile shed roof, having 7 rooms ad measuring 1500 sq. ft. more or less having cemented flooring. According to him, though the petitioner immediately upon purchase of the aforesaid property for a consideration indicated in the deed of conveyance, had applied before the municipal authorities for mutating the property in his name in requisite form, however, the

municipal authorities had been sitting tight over the same. According to Mr. Sen, the application for mutation was filed on 31st March, 2016 as would corroborate from the receipt issued by the municipal authorities. Since the municipal authorities had been sitting tight over the matter, petitioner had followed up the same by making a representation. He would submit that the municipal authorities without mutating the property in the petitioner's name have now embarked upon an enquiry to ascertain whether the property in question is a Thika tenanted property. Such enquiry has been made notwithstanding the fact that though the purported proceeding initiated before the Controller in Misc. Case no.202 of 2019, had been dropped by an order dated 28th July, 2022 and the case has been disposed of. Mr. Sen would also submit that in terms of section 183 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as 'the said Act'), the petitioner is required to give the notice of transfer and upon such notice being given, it is the obligation of the municipal commissioner to record such transfer or devolution, in an area book as also in the municipal assessment book, subject to payment of area tax and dues to the corporation on account of transfer or the predecessor in interest of the applicant and the processing fees. In the peculiar facts, he submits that, the municipal authorities could not have proceeded to make any further enquiry in this regard and ought to have acted in strict compliance of Section 183 of the said Act.

4. Mr. Mukherjee, learned advocate appears for the municipal authorities. He would submit that the representation pending before the municipality may be directed to be disposed of.

5. Having heard the learned advocates appearing for the respective parties and noting that the notice of transfer and/or mutation application is pending before the municipal authorities for more than a decade, in my view, it shall only be appropriate to direct the municipal authorities (jurisdictional Assessor Collector) to decide on such application and the subsequent representation dated 11th August,

2026 on an expeditious basis preferably within a period of four weeks from the date of communication of this order. The municipal authorities are directed to act strictly in accordance with the provisions of Section 183(5) of the said Act, while deciding the petitioner's application for mutation and the representation. The decision in this regard must be communicated to the petitioner by passing a reasoned order after affording the petitioner an opportunity of hearing within the time specified herein.

6. The writ petition is thus disposed of.

(RAJA BASU CHOWDHURY, J.)

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