

01.08.2019

BP
Sl. 37

W.P. 11583(W) of 2019

Suparna Mitra
Vs.
The State of West Bengal & Ors.

Mr. Utpal Majumdar
Mr. Abhishek Banerjee
..for the petitioner.

Mr. D.N. Mukherjee
Mr. M.L. De
..for the State.

Mr. Mrityunjoy Goswami
Mr. Parikshit Goswami
..for the respondent nos. 2 and 3.

Let affidavit of service filed in Court today be kept on record.

As prayed for, leave is granted to the petitioner to implead the Executive Officer of the Madhyamgram Municipality as party respondent no.4 here and now.

The petitioner has filed the present writ petition for a direction upon the Madhyamgram Municipality to take a decision in respect of the petitioner's pending representation for mutation.

Mr. Utpal Majumdar, learned advocate for the petitioner submits that the petitioner purchased the

property on 27th April, 2015 by registered deed of conveyance. Thereafter, the petitioner applied before the concerned Block Land and Land Reforms Officer for recording her name in respect of the said plot. Accordingly, the petitioner's name was recorded which appears at page 50 of the writ petition. Thereafter, the petitioner applied for mutation before the Madhyamgram Municipality. The Municipality did not take care of the petitioner's application for mutation. The petitioner was asked to submit further application. Accordingly, the petitioner submitted further application for mutation. Since the Madhyamgram Municipality is sitting tight over the petitioner's application for mutation, therefore, the petitioner without finding any alternative made a representation before the Municipality on 2nd January, 2019. After receiving the petitioner's representation the Municipality failed to allow the petitioner's representation for mutation in accordance with law. Hence, the present writ petition.

Mr. Mrityunjoy Goswami, learned advocate for the Madhyamgram Municipality submits that the Municipality should be given a reasonable time to issue the mutation certificate in favour of the petitioner

subject to compliance of all the formalities including the payment of statutory fees.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the record, I direct the Executive Officer, Madhyamgram Municipality, North 24 Parganas, the respondent no.4 to issue mutation certificate in terms of Section 116(5) of the West Bengal Municipal Act, 1993 in favour of the petitioner without any further delay but positively within four weeks from the date of communication of this order provided the petitioner complies with all the statutory formalities including the payment of fees.

With this direction, the writ petition is disposed of.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished on priority basis.

(Samapti Chatterjee, J.)