

09.1.2012.

W.P. 18569 (W) of 2011

Syed Asghar Hussain Ismail
Vs
State of West Bengal & Others

Mr. Arun Singha.
... For Petitioner
Mr. Soumik Mukherjee.
... For K.M.C.
Mr. Kamalesh Bhattacharya,
Ms. Sujata Ghosh.
... For State
Mr. Dipankar Chakraborty,
Mr. K. A. Bhaduri.
... For Respondent No. 6

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

In the writ petition, the petitioner has challenged the notice dated 14th September, 2011 issued by the authorities of the Kolkata Municipal Corporation requesting him to apply for mutation in A-42 Form in accordance with the provisions contained in the Kolkata Municipal Corporation Act, 1980. Submission has been made that though a representation dated 16th August, 2011 was furnished before the Assessor Collector (North), Assessment Collection Department, Kolkata Municipal Corporation, the respondent no. 5 for mutating his name after deleting the name of M/s. Hooghly Building & Investment Company Ltd, the respondent no. 6, it is yet to be considered.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the writ petition is disposed of by directing the respondent no. 5 to dispose of the representation dated 16th August, 2011 by passing a reasoned order within four weeks from the date of presenting a copy of the certified copy of this order after giving an opportunity of hearing to the petitioner and to the respondent no. 6 and after verifying the records. So far as the letter dated 14th September, 2011 is concerned, the petitioner is at liberty to comply with the directions contained therein.

I make it clear that I have not gone into the merits of the representation dated 16th August, 2011 and it is for the respondent no. 5 to consider.

Since the writ petition is disposed of at the stage of admission without calling upon the respondents to file affidavits controverting the allegations, allegations made are deemed not to have been admitted by them.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the appearing parties on priority basis.

(SOUMITRA PAL, J.)
