

S/L 36
11.12.2020
Court. No. 19
GB

CAN 7 of 2020
(Old No. CAN 4575 of 2020)

Shankar Debnath @ Sankar Debnat
Vs.
Pijush Kanti Sadhu & Anr.

In
C.O. 2949 of 2014

Pijush Kanti Sadhu
Vs.
Shankar Debnath & Anr.

(Through Video Conference)

Mr. Sourrav Sen,
Ms. Sayani Bhattacharya.
...for the Petitioner.

Mr. Aniruddha Chatterjee,
Mr. Srijib Chakraborty.
...for the Opposite Parties.

Mr. Alok Ghosh,
Mr. Subhrangsu Panda.
...for the K.M.C.

A coordinate Bench had directed the petitioner in CAN 4575 of 2020 to serve notice upon the Kolkata Municipal Corporation. It is such a case that the modification application cannot be disposed of without a report in the form of an affidavit from the licensing authority in order to bring on record whether the Certificate of Enlistment in favour of the petitioner annexed to the application at Pages 44 and 45 is actually a licence to operate the car parking business, which was stopped in the absence

of any licence in favour of the petitioner as recorded by this Court while disposing of Civil Revision No.2949 of 2014.

Mr. Aniruddha Chatterjee, learned advocate appearing on behalf of the opposite parties submits that the Certificate of Enlistment was not a licence to start a car parking business and even if, there is a liberty granted to the petitioner to pray for an order allowing him to operate such business from the concerned premises in the event a licence was issued in his favour, subsequently, the petitioner should not be allowed to operate the business on the basis of certificate of enlistment which was issued under Section 199 of the Kolkata Municipal Corporation Act and not Section 435 thereof. He insisted that the Kolkata Municipal Corporation should file an affidavit as per the direction of this court on the earlier occasion.

Mr. Sourav Sen, learned advocate for the petitioner/applicant submits that the Certificate of Enlistment was rightly issued pursuant to an order of this Court in a writ petition.

Mr. Alok Ghosh, learned advocate for the Corporation submits that the Certificate of Enlistment was in the nature of a licence permitting the petitioner to operate the car parking business.

This matter needs to be decided upon an affidavit from the licensing authority so that the purport of the document at Page 45 can be ascertained. The licensing

authority to file a report in the form of an affidavit before this Court.

Let the matter retain its position and appear on December 18, 2020.

(Shampa Sarkar, J.)