11.01.2021
Ct. No. 24
Item No. 24
pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 1155 of 2020

Jethanand Thanwardas Ramnani
-vs-
The Kolkata Municipal Corporation & Ors.

Mr. Supratim Bhattacharjee for the petitioner

Mr. Biswajit Mukherjee,
Ms. Piyali Sengupta for the KMC

The petitioner prays for implementation of the order dated 14th May 2018 passed by the Municipal Assessment Tribunal in MA Appeal No. 1690/2015 and 1691 of 2015.

The petitioner has made a representation dated 6th April 2019 praying for re-fixation of the annual valuation of his flat, in terms of the order passed by the Municipal Assessment Tribunal.

The petitioner complains that his representation has not been considered by the respondent authority till date.

The learned advocate representing the Kolkata Municipal Corporation submits that the Municipality is bound to act in accordance with the direction passed by the Assessment Tribunal if however no order of revision has been passed revising the said order.

Be that as it may, it appears from records that a representation has already been filed by the petitioner praying for implementation of the order passed by the Assessment Tribunal, which is still pending consideration at the end of the respondents. Accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Assessor Collector (South), Kolkata Municipal Corporation to take a decision with regard to the representation made by the petitioner, in accordance with law, and in terms of the order passed by the Municipal Assessment Tribunal within a period of eight weeks from the date of communication of a copy of this order. The said respondent shall give an opportunity of hearing to the petitioner prior to passing the order in the matter.

In the event, the said respondent is of the opinion that money has been paid by the petitioner in excess of the annual valuation that has been fixed then the excess amount shall either be refunded or set off with the current taxes payable by the petitioner.

The petitioner is directed to forward a copy of his representation dated 6th July 2019 and a copy of the order passed by the Municipal Assessment Tribunal at the time of communication of a copy of this order to the aforesaid respondent.

WPA 1155 of 2020 is thus disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)