

Court No. 24

19.03.2021

(Item No. 31)

(AB)

W.P.A 5897 of 2021

Amitava De Bhowmick & Anr.

vs

The Kolkata Municipal Corporation & Ors.

Mr. Arnab Saha

Mr. Abhimanyu Banerjee

..... for the petitioners

Mr. Ranajit Chatterjee

Mr. Rudranil De

..... for Kolkata Municipal Corpn.

Affidavit of service filed in Court is taken on record.

The grievance of the petitioners is that the Kolkata Municipal Corporation has incorporated the name of the private respondents who are rank trespassers of the said premises, in the property tax bill issued by the Kolkata Municipal Corporation and described them as 'persons liable to pay tax' in respect of the premises No. 53/2A, S. N. Banerjee Road, First Floor, Police Station – Taltala, Kolkata – 700 014, Ward No. 53. The petitioners claim to be the owners of the said property in question.

The petitioners further submit that there are orders passed in their favour and against the private respondents by the competent Court of law declaring them as trespassers.

The petitioners have objected to the incorporation of the name of the private respondents in the property tax bill behind their back by raising

objection through their learned advocate on 21st December, 2020. The petitioners complain that the same has not been considered by the respondent authority till date.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that as the private respondents volunteered to pay tax in respect of the said property, accordingly, their names have been recorded as the 'person liable to pay tax' in addition to the name of the petitioners who have been described as the owners of the said property.

None appears on behalf of the private respondents despite service.

As it appears that the representation made by the petitioners objecting to the incorporation of the names of the private respondents in the property tax bill is pending consideration before the Kolkata Municipal Corporation, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Assessor Collector (Revenue South), Kolkata Municipal Corporation being the respondent No. 7 herein to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, at the earliest, but positively within a

period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondents at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the objection dated 21.12.2020 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)