

Court No. 24

08.03.2021

(Item No. 13)

(AB)

W.P.A 4829 of 2020

Mohan Shaw & Others

vs

Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee

Mr. S. Chatterjee

Mr. K. Bhattacharya

..... for the petitioners

Mr. Sandipan Banerjee

Mr. Ankit Sureja

..... for the Howrah Municipal Corpn.

Mr. Surajit Roy

.... For respondent Nos. 5 & 6

Affidavit of service filed in Court today is taken on record.

The petitioners applied before the Howrah Municipal Corporation for obtaining a certificate of enlistment in their favour for running a shop at the premises No. 79/2, Makardah Road, Police Station Bantra, District – Howrah.

The said application was filed by the petitioners on 17th February, 2020. The petitioners allege that the same has not been considered till date.

The learned advocate appearing on behalf of the private respondents submits that his clients are the owners/landlords of the said premises. He opposes the prayer of the petitioners for grant of certificate of enlistment in their favour.

It has been submitted that two civil suits are pending consideration in between the parties before the learned Court below.

As the certificate of enlistment does not decide the right, title and interest of the parties accordingly there is no impediment on the part of the Howrah Municipal Corporation to take a decision with regard to the application made by the petitioners.

As it appears that the application for obtaining the certificate of enlistment is pending consideration at the end of the Howrah Municipal Corporation, no useful purpose will be served by keeping the writ petition pending.

The instant writ petition is accordingly disposed of by directing the License Officer of the Howrah Municipal Corporation being the respondent No. 4 herein to consider the application of the petitioners for grant of certificate of enlistment in their favour, strictly in accordance with law, at the earliest, but positively within a period of five months 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.

The petitioners are directed to forward a copy of the application received by the Office of the Howrah Municipal Corporation on 17.02.2020 to the aforesaid respondent at the time of communicating the order of the Court.

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

(Amrita Sinha, J.)