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2021
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 278 of 2021

Sanjib Saha & Anr.

-Versus-

Siliguri Municipal Corporation & Ors.

Mr. Sunil Kumar Sarkar ...For the Petitioners

Mr. Joyjit Choudhury

Mr. Ajay Singhal

...For Respondent No. 4

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated December 28, 2020 passed by the Commissioner, Siliguri Municipal Corporation.

Learned Counsel for the petitioners submits that the order does not provide any reasons and is a non-speaking order. He further submits that the written submission filed by him has not been taken into account while passing the said order.

I have heard learned Counsel appearing on behalf of the parties and perused the materials placed on record.

Upon bare perusal of the impugned order, it is clear that the order is a non-speaking and without any reasons. The only reason given in the order is that there is suppression of material facts with regard to the date of demise of the original trade licence holder/certificate of enlistment.

In my view, the Commissioner should have passed a properly detailed reasoned order as directed by this Court on December 04, 2019.

In the light of the above, the impugned order is set

aside with direction upon the Commissioner, Siliguri Municipal Corporation to grant an opportunity of hearing to the petitioners and the private respondent and thereafter pass a properly speaking and reasoned order within a period of four weeks from date.

The reasoned order should be communicated to the parties within a week from the date of passing such reasoned order.

With the aforesaid observation the writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Learned Counsel appearing for the respondent No. 4 prays leave to file vokalatnama. Such leave is granted to the learned Counsel to file his vokalatnama to the department concerned.

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

(Shekhar B. Saraf, J.)