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ORDER SHEET
WPO 249 OF 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SHREE SHREE GOPAL JEW AND ORS.
VERSUS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 27TH July, 2021.

APPEARANCE:

Mr. Saptangshu Basu, Sr. Adv.
Mr. Arindam Banerjee, Adv.
Mr. Saunak Sengupta, Adv.
Mr. Ayan Chakraborty, Adv
...for the petitioner

Mr. Alok Kumar Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
..for the K.M.C

The Court : Mr. Saptangshu Basu, learned senior Advocate appears for the petitioners. The writ petitioners have challenged notices issued by the Kolkata Municipal Corporation for periods prior to three years from the date of the issuance of the notices.

Mr. Saptangshu Basu, learned senior Advocate primarily challenged the jurisdiction of the Kolkata Municipal Corporation to issue such notices and submitted that even if there is an option of approaching the hearing officer by filing an objection, the question of jurisdiction of the Kolkata Municipal Corporation to issue such notices can always be raised by way of a writ petition.

During the course of hearing, Mr. Alok Kumar Ghosh, learned Advocate appearing for the Kolkata Municipal Corporation submits that the Kolkata Municipal Corporation has realized that the notices impugned to the writ petition suffer from some defects and the notices be treated as withdrawn reserving the right to issue fresh demand notices. As such, the grievances of the petitioners do not survive at the moment.

Under such circumstances, the writ petition is disposed of, without any observation on the merits. If the Kolkata Municipal Corporation subsequently issues any fresh notices to the petitioners on self-same claims, the petitioners shall be at liberty to challenge the same in accordance with law and this order shall not act as a bar.

Parties to act on the server copies of this order.

(SHAMPA SARKAR, J.)

Sbghosh