

ORDER SHEET

**I.A./GA 1 OF 2021
With
WPO/153/2021
APOT/125/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE**

D AND I TAXCON SERVICES PVT.LTD.
VS
KOLKATA MUNICIPAL CORPORATION & ORS

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 22ND November, 2021.

Appearance:

Mr. Tapas Dutta, Advocate
Mr.M.Halder, Advocate
...for appellant/petitioner.

Mr.Suddhasatva Banerjee, Adv.
Ms.Sanjukta Ray, Adv.
....for respondent No.6.

Mr. Ranajit Chatterjee, Advocate
Mr.Mihir Kundu, Advocate
...for KMC.

Mr.Debhjit Mukherjee, Advocate
Ms.Susmita Chatterjee, Advocate
....for state.

THE COURT:- This appeal is directed against an order dated April 8, 2021 whereby WPO 153 of 2021 was dismissed by the learned single Judge.

The writ petitioner had challenged a notice dated July 14, 2020 which had been issued to the respondent No.6 being one Narnolia Financial Advisor Limited by mentioning that the said company was the 'person responsible' for making an unauthorized construction.

According to the writ petitioner, Narnolia Financial Advisor Limited could not have been called for hearing as it was not a 'person responsible' within the meaning of Section-400 of the Kolkata Municipal Corporation Act. On this ground, the writ petitioner challenged the said notice.

Learned single Judge refused to interfere holding that Narnolia Financial Advisor Limited had been called for hearing in terms of an earlier order of this Court passed on March 2, 2020 in WPO 140 of 2019. Being aggrieved, the writ petitioner is before us by way of this appeal.

We have heard learned counsel for the parties.

Learned counsel for the appellant says that the earlier order dated March 2, 2020 was complied with by the Commissioner and the Commissioner had heard Narnolia Financial Advisor Limited as well. Presently, Narnolia Financial Advisor Limited has no locus standi to participate in any hearing before the Corporation authorities.

Whatever it may be, we do not see as to how the writ petitioner/appellant can be aggrieved if the Corporation deems it fit and proper to hear a party which, according to the corporation, is the 'person responsible' for the unauthorized construction in question. It appears

that the writ petitioner has some oblique motive in somehow stopping Narnolia Financial Advisor Limited from participating in the proceedings before the corporation authorities.

We do not see any reason to interfere with the order of the learned single Judge. It is upto the Corporation to decide whether the said Narnolia Financial Advisor Limited should be heard and to decide the issue of unauthorized construction in accordance with the applicable laws and regulations.

The appeal and the stay application are dismissed with costs assessed at Rs.10,000/- (Ten Thousand Only) to be paid to the State Legal Services Authority, West Bengal.

(ARIJIT BANERJEE, J)

(KAUSIK CHANDA, J.)