17.05.2022
Sl. No.20
srm

W.P.A. No. 16024 of 2021

Tridibesh Banerjee

Versus

The Bidhanagar Municipal Corporation & Ors.

Mr. Syed Nurul Arefin,
Mr. Rahul Singh

…for the Petitioner.

Mr. Arka Kumar Nag,
Mr. Tirthankar Dey,
Mr. Souvik Roy

…for the Bidhannagar
Municipal Corporation.

Ms. Jayeeta Sinha,
Mr. Sandip Mondal

…for the State-Respondents.

The petitioner submits that Holding No.HB-00120, Sector-III, Salt Lake City, Kolkata-700097 had been let out to some family members under a leave and licence agreement, but the Bidhannagar Municipal Corporation erroneously held that the said premises was being used as a guest house and accordingly raised the annual valuation and the property tax, to an exorbitant amount at commercial rate. It is further submitted that prior to coming to a conclusion that the property was used for commercial purpose and there had been a change of user, no inspection of the premises was held.

Mr. Nag, learned Advocate appearing on behalf of the Bidhannagar Municipal Corporation, denies such allegation of the petitioner and submits that one of the leave and licence agreements relied upon the petitioner expired prior to filing of the writ petition.

The writ petition is disposed of with a direction upon the Commissioner of the Bidhannagar Municipal Corporation to dispose of the representation of the petitioner dated August 14, 2021 within a period of one month from the date of communication of this order upon holding an inspection in the presence of the petitioner and other occupants. A copy of the inspection report shall be served upon the interested parties. The petitioner and the other parties shall be entitled to respond to such report. Thereafter, a hearing shall be given to the petitioner and all other persons who may throw some light on the disputes involved. A reasoned order shall be passed and communicated to all concerned.

This Court has not gone into the merits of the claims and counterclaims of the parties and all issues are kept open for a decision by the Corporation. The corporation tax raised, shall be subject to such decision.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)