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19.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 15877 of 2022

**Ajanta Dutta
-versus
Burdwan Municipality & Ors.**

**Mr. Avirup Mondal,
Mr. Soumalya Ganguli.
...For the Petitioner.**

Affidavit-of-service and the supplementary affidavit filed in Court today are taken on record.

None appears on behalf of the Burdwan Municipality in spite of service.

The petitioner is aggrieved by the act of the Burdwan Municipality in not issuing a certificate of enlistment as the petitioner allegedly failed to deposit the property tax of the property in question.

The petitioner has made a representation before the Chairman of the Burdwan Municipality expressing her intention to pay the property tax in respect of the portion that she is occupying.

According to the petitioner, the Municipality is pressing her to pay tax for the entire structure and refuse to accept tax only in respect of the portion which she is occupying.

The representation filed by the petitioner before the Chairman of the Municipality on 31st August, 2022 is pending consideration till date.

In the absence of the Municipality, this Court is not in a position to decide the issue conclusively.

In view of the above, the present writ petition is disposed of by directing the Burdwan Municipality to take a decision with regard to the representation filed by the petitioner on 31st August, 2022 strictly in accordance with law, at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The Chairman of the Municipality is directed to grant an opportunity of hearing to the petitioner and all other necessary parties prior to taking a decision in the matter.

In the event the Municipality is of the opinion that the petitioner may be permitted to pay the pro-rata tax in respect of the portion that she is occupying, the Municipality shall accept the same and take steps for issuance of the certificate of enlistment in her favour in accordance with law after compliance of all necessary formalities.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)