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03.08.2022
d.p.

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

W.P.A. 17581 of 2022

**Abul Kalam Molla
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Rabilal Moitra, Sr. Adv.,
Mr. Gobinda Kar,
Mr. Rajitlal Moitra.
...For the Petitioner.**

**Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya.
...For the Municipality.**

**Mr. R.I. Sardar.
...For the Respondent No.10.**

Affidavit-of-service filed in Court today is taken on record.

Learned advocate for the respondent No.10 submits that he has filed Vakalatnama in the department vide filing No. A-14451 dated 3rd August, 2022. The department is directed to tag the same with the records.

Learned advocate appearing for the Kolkata Municipal Corporation has candidly submitted before this Court that the Kolkata Municipal Corporation passed the impugned order dated 28th July, 2022 as the Corporation was unaware of the direction passed by the Court on 10th February, 2022 in WPA 17954 of 2019 in

the matter of Maksud Ali Molla –vs- The State of West Bengal & Ors.

It is the specific stand of the learned advocate for the Corporation that the order dated 10th February, 2022 was never communicated by either of the parties to the Corporation.

Due to ignorance, the hearing as directed to be conducted by the Court was not given to the parties. No reasoned order could either be passed or communicated to the parties.

From the stand taken by the Kolkata Municipal Corporation, it is evidently clear that the impugned notice dated 28th July, 2022 was issued without acting in accordance with the order dated 10th February, 2022.

In view of the above, the impugned notice dated 28th July, 2022 is set aside and quashed.

The men and agents of the Kolkata Municipal Corporation are directed to take steps strictly in accordance with the direction passed by the Court on 10th February, 2022 in WPA 17954 of 2019.

Time to comply the order passed by the Court on 10th February, 2022 is extended for a period of four months from date.

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.)