

D/L 19
05.7.2022
Court No.24
SD

WPA 16330 of 2019

Prabir Roy Chowdhury
Vs.
Kolkata Municipal Corporation & Ors.

Ms. Antara Choudhury

...for the Petitioner.

Mr. Alope Kr. Ghosh

Mr. Arijit Dey

...for the KMC.

Mr. Sahasrangshu Bhattacharjee

Ms. Sayantanee Bhattacharjee

...for the Respondent No.8.

Affidavit of service filed by the petitioner in Court today be kept with the records.

Respondent no.8 has filed Vakalatnama in the department vide filing no. A-10978. The department is directed to tag the same with the records of this case.

The petitioner filed an objection before the Municipal Commissioner of the Kolkata Municipal Corporation objecting to the renewal of license under Section 421 of the Kolkata Municipal Corporation Act, 1980 for approval to establish a ceremonial house at premises no.86A, Topsia Road (South), Kolkata-700046.

According to the petitioner, the license of running the ceremonial house was issued in favour of the private respondent without following the due provisions of law.

It has been submitted by the learned advocate representing the respondent no. 8 that the ceremonial house is being run after obtaining the license from the Kolkata

Municipal Corporation, permission from the Fire and Emergency Services Limited and all other necessary clearances from the concerned authorities. It has been submitted that all the documents required for running the ceremonial house are available with the private respondent.

As it appears that the representation filed by the petitioner is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the concerned authority of the Kolkata Municipal Corporation to consider the said representation which was filed by the petitioner on August 8, 2018 strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner and to pass a reasoned order within a period of three months from the date of communication of a copy of this order. The said respondent shall communicate the reasoned order to all the necessary parties including the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated August 8, 2018 to the Kolkata Municipal Corporation at the time of communicating the order of the Court.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)