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13.12.2022
d.p.

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

W.P.A 23809 of 2022

**Ghulam Mustafa Quraishi
-versus
The State of West Bengal & Ors.**

**Mr. Pinaki Bhattacharyya,
Mr. Amartya Mohan Bhattacharyya.
...For the Petitioner.**

**Md. Mansoor Alam.
...For the Respondent
Nos. 7 to 10.**

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

The petitioner prays for implementation of the notice under Section 411(2) of the Kolkata Municipal Corporation Act, 1980.

It appears that the Corporation issued the notice under Section 411(2) directing the inmates of the said premises to vacate the same.

Learned advocate appearing for the private respondents who are the tenants in the ground floor of the subject premises submits that no notice was issued upon them and no opportunity of hearing was given to them prior to issuance of notice under Section 411(2) of the Kolkata Municipal Corporation Act, 1980.

The notice under Section 411(2) of the Kolkata Municipal Corporation Act, 1980 clearly mentions that if any owner/occupier of the said premises has any objection to the notice, then the said objection may be preferred in writing immediately before the concerned officer of the Corporation.

No such objection has been filed before the Corporation by any of the parties.

In view of the above, the Municipal Commissioner is directed to enforce the provisions of law pursuant to the notice issued under Section 411(2) of the Kolkata Municipal Corporation Act, 1980 in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.)