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05.12.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 26528 of 2022

**Md. Aqil Nawaz
-versus
The Asansol Municipal Corporation & Ors.**

**Mr. Sabyasachi Chatterjee,
Ms. Debolina Das,
Mr. Ankur Sharma.
...For the Petitioner.**

**Mr. Sounak Bhattacharya.
...For Asansol Municipality
Corporation.**

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

The petitioner was granted license for parking lots by the Asansol Municipal Corporation. He was in business since 2015. The license was not renewed after 31st January, 2021.

Despite expiry of the license, the petitioner continued with the parking business without depositing any license fee to the Asansol Municipal Corporation.

The Corporation has hung up a notice in front of the parking lot mentioning that parking will be run by the Asansol Municipal Corporation from 1st December, 2022.

The petitioner is aggrieved by the same.

It has been submitted that since the petitioner is running the business for quite some time, an opportunity be given to the petitioner prior to changing and/or implementing the new policy.

The petitioner submits that repeated representations were made before the Asansol Municipal Corporation requesting renewal of license but the same was not replied.

Learned advocate appearing for the Asansol Municipal Corporation submits that the license of the petitioner expired due to efflux of time and after 31st January, 2021 the status of the petitioner is that of a trespasser. No license has been issued in favour of the petitioner after 1st February, 2021. The petitioner is continuing with the business and collecting fees but not depositing the same with the Corporation. The Corporation is losing financially due to non-submission of the parking charges.

It has been submitted that Asansol Municipal Corporation is contemplating floating of tender for allotting the parking lots in favour of highest bidders.

It has been submitted that the tender process will be an open one and any interested person may participate in the same.

It appears from the submissions made on behalf of all the parties that as long as the license was in favour of the petitioner he had the right to continue with his business. After the license expired and was not renewed by the Corporation, the petitioner did not have any

right to continue with the business without express permission from the Corporation.

There is nothing on record to suggest that the Asansol Municipal Corporation permitted the petitioner to run the business after 1st February, 2021.

Accordingly, it has to be inferred that the petitioner was holding on to the parking lots without any authority of the Asansol Municipal Corporation.

Presently, the Corporation has taken a decision to run the parking lots. There is no illegality in adopting such a decision.

The Corporation is contemplating floating of tender for allotment of parking lots. It will be open for the petitioner to participate in the tender process, if he is eligible to do so.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

As regards the pending grievances of the petitioner regarding allotment of a lesser area in the parking lots and adjustment of the license fee, it will be open for the petitioner to file representation before the Corporation. If any representation is made, the same shall be considered in accordance with law, after giving an opportunity of hearing to the petitioner within a period of six weeks from the date of filing of the representation. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)