

S/I. DML/314
29.06.2022
Subha

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 11663 of 2020

Miss Papri Das
-versus-
The Kolkata Municipal Corporation & Ors.

Mr. Javed K. Sarwarwala
Mrs. Farah Anjum
...for the petitioner.

Mr. Ranajit Chatterjee
Mr. Arijit Dey
...for the KMC.

Affidavit of service filed in Court is taken on record.

None appears on behalf of the private respondents despite service.

Learned advocates for the KMC are present.

The petitioner is aggrieved by the reasoned order dated 20th September, 2019 passed by the License Officer (HQ), Kolkata Municipal Corporation.

The matter relates to the premises no. 1/6, Sitaram Ghosh Street, Kolkata-700009.

The allegation of the petitioner is that the private respondents are running business in the aforesaid premises which is meant for residential use.

The petitioner relies upon the certificate of enlistment issued in respect of the business running at the said premises for the year 2016-17. The nature of

business mentioned is sticker cutting, gumming, printing and order supplier. The nature of business further mentions workshop of non-food items, silk screen printing and material supplier.

On the basis of a complaint filed by the petitioner and in compliance of the directions passed by this Court on 10th July, 2019 in W.P No. 8052(W) of 2019 (Papri Das-vs-KMC & Ors.), a joint inspection was conducted.

On 22nd August, 2019, both the parties along with their representatives were present. Submission was made on behalf of the petitioner that thick plastic coating papers were dumped at the said premises which could be fire hazardous. The allegations of running business of silk-screen printing and sticker cutting in the premises were also placed before the Hearing Officer. Huge quantity of chemicals which are inflammable in nature and which raise obnoxious smell and fumes causing environmental and health hazard was also brought to the notice of the Officer of the KMC.

The Officer was made aware of the order dated 20th April, 2016 passed by the West Bengal Pollution Control Board wherein it has been mentioned that the Officer-in-Charge, Amherst Street Police Station is requested to oversee that the respondent unit should

not operate any silk screen printing unit and/or any manufacturing activity without the valid trade license.

After taking into consideration the report of the joint inspection and the submission made on behalf of both the parties, the License Officer was of the opinion that the certificate of enlistment is not for silk screen printing. It is for sticker cutting, gumming, printing and order supplier. The Deputy License Officer was directed to ensure that the business of gumming is not carried on from the said premises. Direction was passed to correct the certificate of enlistment by omitting the words 'gumming and printing'.

The certificate of enlistment which has been annexed to the writ petition mentions that the nature of work conducted at the said premises is silk screen printing.

Learned advocate for the petitioner relies upon the provision of Section 435A(1) and Schedule 5A of the Kolkata Municipal Corporation Act, 1980.

The nature of business that has been permitted to be carried on in terms of Schedule 5A does not contain silk screen printing.

The License Officer of the KMC shall accordingly ensure that no silk screen printing work is being carried on in the said premises. The Officer-in-Charge, Amherst Police Station is also directed to

oversee that the silk screen printing unit is not operated from the said premises.

The necessary correction which was directed to be done in the certificate of enlistment by omitting the words gumming and printing shall also be taken care of by License Officer.

The writ petition being WPA 11663 of 2020 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)