

ORDER SHEET

WPO 355 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ESTATE BALAI CHAND BISWAS & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 1st August, 2022

Mr. Meghnad Dutta, Mr. Arindam Paul, Advocates for the
petitioners.

Mr. Alok Kr. Ghosh, Ms. Manisha Nath, Advocates for K.M.C.

The Court : The matter relates to the premises no.5, Girish Avenue,
Kolkata – 700 003 under the jurisdiction of the Kolkata Municipal
Corporation.

The property is a very old one and completely encumbered by
tenants. According to the petitioners, the notice of demand raised on the
basis of the Letter of Intimation contains figures which are exorbitantly high.

The petitioners claim that the annual valuation of the property ought
not to be so high. The property in question has been assessed at commercial
rate even though the property is used for residential purpose.

The petitioners raised objection before the Municipal Commissioner
on 17th June, 2020 and allege that the same has not been taken up for
consideration till date.

As it appears that the objection filed by the petitioners to the Letter of Intimation and the notice of demand sent in favour of the petitioners is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, the writ petition is disposed of by directing the Assessor-Collector (North), Kolkata Municipal Corporation, being the respondent no.4, to consider and dispose of the representation filed by the petitioners on 17th June, 2022, strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioners or their authorised representatives and to pass a reasoned order in the matter, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order and communicate the same to the parties immediately thereafter.

Learned Advocate for the petitioners is directed to forward a copy of the representation dated 17th June, 2022 to the aforesaid respondent at the time of communicating the order of this Court.

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

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.)