

ORDER SHEET

WPO 2316 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI NANDALAL DATTA
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 25th July, 2022

Mr. Shamba Chakraborty, Mr. Jit Ray, Advocates for the petitioner.

Mr. Biswajit Mukherjee, Ms. Era Ghose, Advocates for K.M.C.

The Court : Leave granted to the learned Advocate for the petitioner to file affidavit of service in course of the day.

The petitioner is aggrieved by the amount indicated in the Letter of Intimation dated 9th June, 2022 issued in respect of the premises no.26, Nalini Seth Road, Kolkata-700 007. The petitioner submits that the amount of tax is exorbitantly high. The petitioner receives a very meagre amount on account of rent in respect of the said premises.

The petitioner has filed a representation before the Kolkata Municipal Corporation on 17th June, 2022 and the same is pending consideration before the respondent authority till date.

Learned Advocate representing the Kolkata Municipal Corporation submits, upon instruction, that the petitioner purchased the property in question long ago in January, 1995, but did not take any step to mutate his name in the records of the Kolkata Municipal Corporation.

The petitioner has not yet been recorded as the person liable to pay tax in respect of the said property. The tax bills are being raised in favour of the predecessor-in-interest of the petitioner.

The petitioner has annexed a list of tenants in respect of the said property but surprisingly, the rents collected from the said tenants are not reflected therein.

As it appears that representation filed by the petitioner objecting to the said tax bills raised by the Kolkata Municipal Corporation is pending consideration at the end of the Assessor-Collector (North), accordingly, the writ petition is disposed of by directing the Assessor-Collector (North), Kolkata Municipal Corporation to take steps for consideration of the representation filed by the petitioner on 17th June, 2022, strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner and all other necessary parties, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The Assessor-Collector (North) shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 17th June, 2022 including the list of the tenants along with the rents

recovered from them to the Assessor-Collector (North) 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 petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation filed by the petitioner.

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.)