

ORDER SHEET

WPO 2329 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MANSOOR ALAM & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ANR.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 14th July, 2022

Mr. Tarique Quasimuddin, Ms. Sanchita Chaudhuri,
Advocates for the petitioners.

Mr. Alok Kumar Ghosh, Mr. Rudranil De, Advocates for K.M.C.

The Court : The petitioners have filed the present writ petition praying for a direction upon the Kolkata Municipal Corporation to grant necessary permission in accordance with the provision of Section 421 of the Kolkata Municipal Corporation Act and the Rules to run the banquet business under the name and style of 'IBRAH BANQUETS' situated at Elliot Meridian Apartment, 83A, Elliot Road, 1st Floor, Police Station – Park Street, Kolkata – 700 016.

The petitioners have already obtained the certificate of enlistment and fire licence for running the business.

From a report filed by the Kolkata Municipal Corporation in connection with the said banquet it has been revealed that as per the available records, a sanction plan was accorded for construction of B+G+XI

storied residential building vide B. P. No.2013060048 dated 10th October, 2013 and the completion plan was also approved by DG (Building) on 15th January, 2018. As per the said completion plan, the first floor is meant for office use.

No permission has yet been granted by the Corporation for running banquet in the first floor of the said building.

The flat owners of the said building have raised serious objection with the running of the banquet in the said apartment. It has been submitted that it creates tremendous nuisance to the inhabitants of the said apartment, apart from fire hazards.

As it appears that the prayer of the petitioners seeking permission to use the first floor of the said premises as banquet is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the respondent no.2, being the Municipal Commissioner of the Kolkata Municipal Corporation to consider the application filed by the petitioners, strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioners and all other necessary parties including the representative(s) of the residents of the said apartment who are objecting to running the banquet.

A decision shall be taken in the matter, at the earliest, but positively within a period of twelve weeks from the date of communication of this order. A reasoned order shall be passed by the Municipal Commissioner and communicated to all the parties immediately thereafter.

The petitioners are directed to forward a copy of the application along with all other supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

Till such time a decision is taken by the Municipal Commissioner, the petitioners are restrained from using the first floor of the said premises as banquet.

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.)