

161
13.06.2023
d.p.

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

W.P.A 4138 of 2023

**Rupesh Kumar Shaw
-versus
Kolkata Municipal Corporation & Ors.**

**Ms. Debanwita Pramanik,
Mr. Akash Munshi.
...For the Petitioner.**

**Mr. Biswajit Mukherjee,
Ms. Sima Chakraborty,
Mr. Arijit Dey.
...For KMC.**

Leave is granted to the learned advocate-on-record for the petitioner to implead the Assessor-Collector (South), Kolkata Municipal Corporation as party respondent in the instant writ petition.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the Kolkata Municipal Corporation in the instant writ petition.

The matter relates to the premises no. 56/2, Hazra Road, Kolkata-700019. The petitioner is the co-owner of the subject premises.

It appears that a considerable sum is due and payable on account of property tax in respect of the petitioner's share in the property.

Letter of Intimation dated 3rd June, 2022 was served but as payment was not made in accordance with the said Letter of Intimation, the Corporation has presently put padlock on the subject property.

On 7th June, 2022 notice was served upon the petitioner for immediate payment of the outstanding dues to the tune of Rs. 80,00,000/- and odd.

The petitioner raised objection through the learned advocate in January 2023 and alleges that the same is pending consideration.

Learned advocate appearing for the Corporation submits that there is a provision for filing objection within fifteen days from the date of receipt of the Letter of Intimation. The petitioner failed to file the objection within the stipulated time period.

Be that as it may, as it appears that an objection at a belated date was filed on behalf of the petitioner in January 2023 and the same is pending consideration till date, accordingly, the instant writ petition is disposed of by directing the Assessor-Collector (South), Kolkata Municipal Corporation to take into consideration the objection filed on behalf of the petitioner in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The reasoned order shall be communicated to the petitioner immediately thereafter.

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

Learned advocate appearing for the petitioner is directed to forward a copy of the objection dated 30th January, 2023, Letter of Intimation dated 3rd June, 2022, the notice for immediate payment for outstanding dues on 7th June, 2022 and all other documents in support of the claim to the aforesaid respondent at the time of communicating the order of the Court.

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.)