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Ct 2023
No24
AGM

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

WPA 6419 of 2023

**Subham Singh & Ors.
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Sandip Agarwal

... For the Petitioners.

Mr. Biswajit Mukherjee

Mr. Arijit Dey

... For the Kolkata Municipal Corporation.

The petitioners are aggrieved by the act of the Chief Manager (Market Department) and the Deputy Manager (Market Department), Kolkata Municipal Corporation in issuing a certificate dated 22nd February, 2023 under the nomenclature "To whom so ever it may concern" intimating that the private respondent be recorded as 'Mohunt' and custodian of the ashram at premises no. 14, Orphangunge Road, Kolkata 700 023.

The petitioners submit that they are the trustees of the ashram and the private respondent was a salaried employee of the said ashram. Due to certain disputes and differences between the parties, the petitioners have terminated the service of the private respondent. At present the private respondent is no way connected with the ashram.

The petitioners refer to the documents submitted by them before the Corporation in response to the 'know

your tenant' scheme.

None represents the private respondent.

The affidavit-of-service shows that copy could not be served upon the said respondent and the postal envelopes addressed to the private respondent at two different addresses have returned with the endorsement "person not known" and "insufficient address".

The petitioners specifically challenge the identity of the private respondent.

Learned advocate representing the Kolkata Municipal Corporation submits that the petitioners can always file objection against issuance of certificate in favour of the private respondent.

It appears from the documents annexed to the writ petition and the submission made on behalf of the parties that disputes and differences arose between the petitioners and the private respondent in the interregnum between May 2022 and December 2022. The Corporation is not aware of any such dispute or differences between the parties.

The name of the private respondent may have been recorded on the basis of certain documents available with the authority.

As the petitioners are yet to draw the attention of the Corporation with regard to the dismissal of the service of the private respondent from the ashram, accordingly, leave is granted to the petitioners to file appropriate objection before the Chief Manager (Market Department) along with all supporting documents.

In the event such representation is filed, the same shall be considered by the Chief Manager (Market Department) in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties and upon production of documents to check the identity of the person concerned, and thereafter dispose of the said objection at the earliest but positively within a period of twelve weeks from the date of filing of the representation.

The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the submission made by the parties and all points will be kept open at the time of consideration of the objection 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.)