

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

W.P.A. 14577 of 2021

**Bappa Chandra
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Tanmoy Mukherjee,
Mr. Amal Kumar Saha,
Mr. Iresh Paul,
Mr. Souvik Das,
Mr. Rudranil Das.
...For the Petitioner.**

**Mr. Achintya Kumar Banerjee,
Mr. Rudranil De.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner claims that he is running his business from a shop room at 30, Diamond Harbour Road, mailing address 635, Diamond Harbour Road, Kolkata – 700034. The shop is recorded in the name of one Rabin Chandra.

The petitioner alleges that the Kolkata Municipal Corporation has incorporated the name of one Sudip Halder in the official records by deleting the name of the erstwhile assessee, Rabin Chandra.

The petitioner claims that an opportunity of hearing ought to have been granted to the recorded

assessee prior to deleting his name from the Municipal records.

It has further been submitted that as the petitioner is an occupier of the said premises, an opportunity of hearing ought to have been given to him.

The petitioner complains that the representation filed before the respondent authority in July, 2021 has not been considered till date.

Learned Advocate representing the Kolkata Municipal Corporation opposes the prayer of the petitioner.

It has been submitted that the dispute in question is a private one and the Corporation ought not to be given any direction for consideration of the representation filed by the petitioner. It has been pointed out that the addressee of the complaint is non-existent. There is no designation of Deputy S.S.R. in the Kolkata Municipal Corporation.

From the documents annexed to the writ petition it appears that the complaint alleged to be pending consideration has not been addressed to the proper authority.

The documents in support of the submission of the petitioner are also not annexed to the writ petition. The recorded assessee Rabin Chandra, impleaded as respondent no. 5 in the writ petition, could not be served and the postal track report mentions that "no such person in the address, item returned".

The Court has not been made aware of the fact as to whether the recorded assessee was at all aggrieved by the act of the Corporation in deleting his name from the Municipal records and incorporating the name of the respondent no. 4 Sudip Halder therein.

Be that as it may, as it appears that the representation was not addressed to the proper authority, accordingly, the present writ petition stands disposed of granting liberty to the petitioner to make proper application before the concerned authority along with all supporting documents.

In the event such a representation is filed along with documents in support of the claim of the petitioner, then the same shall be considered by the appropriate authority of the Kolkata Municipal Corporation in accordance with law, upon giving a reasonable opportunity of hearing to the necessary parties.

A reasoned order shall be passed and communicated to the parties.

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.)