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04.07.2023
d.p.

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

W.P.A 15419 of 2023

**Nilanjan Roy & Anr.
-versus
Titagarh Municipality & Ors.**

**Mr. Soumya Majumdar,
Mr. Suman Dutt,
Mr. Sumanta Biswas,
Mr. Yash Vardhan Kochar,
Mr. Bikash Shaw.
...For the Petitioners.**

**Mr. Shyamal Kumar Das,
Ms. Smita Pal.
...For the Titagarh Municipality.**

Affidavit-of-service and the Supplementary affidavit filed in Court today are taken on record.

The grievance of the petitioners is that the Titagarh Municipality has dug up the road in front of the jute mill as a mode of recovery of property tax.

From the documents annexed to the writ petition, it appears that the Municipality by a communication dated 3rd June, 2019 intimated the jute mill that a sum of Rs.60,31,688/- was due on account of property tax of the holdings from the 2nd quarter of 2010-11 to the 1st quarter of 2016-17.

After a discussion between the parties, the Municipality requested the jute mill to pay at least 50% of the principal amount at the old rate so that the file

may be reopened for review of property tax. The petitioners did not pay any heed to the request. The property tax has not been paid and a considerable sum is outstanding.

Learned advocate appearing for the Municipality submits that there is a huge sum outstanding as on date. The figure mentioned in the communication dated 3rd June, 2019 was till the period of 1st quarter of 2016-17.

It appears that the current up to date tax bills are yet to be raised by the Municipality.

As an interim measure the petitioners are directed to deposit 50% of the amount mentioned in the communication dated 30th June, 2019 rounded up to Rs.30,00,000/- by tomorrow i.e. 5th July, 2023.

The Municipality is directed to receive the said amount.

The aforesaid payment shall be made and accepted without prejudice to the rights and contentions of either of the parties in the writ petition.

As regards the digging up of the road in front of the jute mill of the petitioners, the learned advocate appearing for the Municipality submits, upon instructions, that the same was done for laying pipe lines and for other development work and presently the road in front of the petitioners' jute mill has been restored to its original condition and as on date there is no obstruction in the free movement in and out the petitioners' jute mill.

The aforesaid submission is disputed by the learned advocate appearing for the petitioners.

The Municipality is directed to take steps to restore the road in front of the petitioners' jute mill to its original condition and ensure that there is no obstruction in the free ingress and egress to the jute mill.

As regards the outstanding taxes, the Municipality will be at liberty to raise up to date tax bills in accordance with law.

The petitioners shall take steps for payment of the same.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)