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04.04.2023
d.p.

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

W.P.A 28080 of 2022

**Pappu Bhayani @ Bharat Bhayani & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Akman Khan,
Md. Yunus Mondal,
Mr. Pronojit Roy.
...For the Petitioners.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For the Municipality.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For the State.**

**Mr. Abhijit Roy,
Mr. Abhradip Maity.
...For the Respondent No.5.**

**Mr. Soumya Mukherjee.
...For the Pollution
Control Board.**

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

The petitioners allege that the respondent no.15 is running business in an illegal manner in the roof top of the premises no. 9, Pollock Street, Kolkata-700001.

The petitioners allege that the said business is being run without the proper license from the competent authorities. Several gas cylinders are stored

in the roof top of the subject structure and there is chance of fire and other accident.

An objection on behalf of the petitioners was filed before the Kolkata Municipal Corporation in September 2022. The same is yet to be disposed of.

Learned advocate appearing for the private respondents submits, upon instructions that, the business is being run in accordance with the license and permission granted by the competent authorities.

As a dispute has been raised before the Kolkata Municipal Corporation regarding illegal running of business and the representation is pending consideration, accordingly, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to consider and decide the representation filed on behalf of the petitioners in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to the parties.

Efforts shall be taken to dispose of the representation at the earliest, but positively within a period of ten weeks from the date of communication of this order.

A copy of the representation filed on behalf of the petitioners in September 2022 be forwarded to the aforesaid respondent at the time of communicating the order of the Court.

The concerned officer of the Corporation shall ascertain as to whether necessary permission/license

has been obtained from all the departments as required under law for running the said business.

Report filed by the police authority be retained with the records.

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.)