

03.08.2023
A.P.
Item No.15

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA No. 1583 of 2023

Abhishek Bagaria & Anr.
Vs.
The Siliguri Municipal Corporation & Ors.

Mr. Arijit Ghosh
...for the Petitioner

Mr. Deborshi Dhar
... for the SMC.

Affidavit of service filed on behalf of the petitioner is taken on record.

It is submitted on behalf of the petitioners that the petitioners are lessees in respect of the property in question by virtue of a deed of lease executed on 18th January, 1952 and even after expiry of the period of lease, the petitioners are continuing to occupy the said premises upon payment of monthly rents.

The respondent authorities made demands for payment of property tax to the petitioners for which the petitioners approached this Court in a writ petition being W.P.A. 14175 (W) of 2017. By an order passed on 6th December, 2017 a co-ordinate Bench of this Court directed the Board of Councillors of the

Municipality to take a decision in respect of the representation submitted by the petitioners with regard to the claim made by the municipality for payment of arrear property tax under reference in the writ petition within a period of eight weeks from the date of communication of the order.

Learned counsel for the petitioners submits that despite such order, the representation submitted by the petitioners has not been dealt with as yet. Since the earlier representation was submitted on March 14, 2011, the petitioners seek liberty to submit a further representation ventilating their grievance before the concerned authority along with a copy of the earlier writ petition within ten days from date.

This is an unfortunate and alarming state of affairs when the respondent authorities choose to ignore the direction passed by this Court in the year 2017. Strangely, the respondent authorities have issued further demands for payment of tax upon the petitioners without dealing with the representation pending before them.

It is submitted on behalf of the respondents that the Commissioner, Siliguri Municipal Corporation, being the 2nd respondent herein, be directed to consider the representation submitted by the petitioners in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioners dated 14th March, 2011 along with the subsequent representation which the petitioners shall submit within two weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

Pending disposal of the representations no coercive steps shall be taken against the petitioners by the respondent authorities in connection with the demand notices issued by them.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)