

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/952/2023

JASMEET SINGH AND ORS.
VERSUS
THE MUNICIPAL COMMISSIONER, KMC AND ORS.

BEFORE :
THE HON'BLE JUSTICE AMRITA SINHA
Date : 3rd May, 2023.

Appearance:
Mr. Sambhu Mahato, Adv.
Mr. A.K. Rai, Adv.
...for the petitioners.

Mr. Srijan Nayak, Adv.
Mr. Subhrangsu Panda, Adv.
...for the KMC.

Mr. Debdipto Banerjee, Adv.
Mrs. Snigdha Saha, Adv.
...for the respondent nos.4 and 5.

The Court : The grievance of the petitioners is that the Kolkata Municipal Corporation is not taking any steps to consider the representation filed on behalf of the petitioners seeking issuance of rent receipts in connection with shop room being No.G-29 on the ground floor and a godown in the 2nd floor of the S.S. Hogg Market, Kolkata.

The petitioners claim to be the shareholders of the aforesaid shop room and the godown.

Learned advocate representing the private respondents denies the contention of the petitioners. It has been submitted that the petitioners do not have any right, title or interest in respect of the said shop room and the godown.

It is not for the Writ Court to decide in whose favour the rent receipts can be issued. It is for the Municipal authority to take a decision with regard to issuance of rent receipts in favour of the eligible party.

As the representation filed on behalf of the petitioners is pending consideration, accordingly, I direct the Municipal Commissioner or his delegate to take a decision upon consideration of the representation dated 12th August, 2022 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward copy of the representation dated 12th August, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

It is made clear that this Court has not entered into the merits of the claim made by either of the parties and it will be open for the aforesaid respondent to consider the submissions made on behalf of the parties and take a decision in the matter.

The writ petition being WPO/952/2023 stands disposed of.

The report filed by the Officer in-Charge, New Market Police Station is taken on record.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)