

OD – 1

WPO/1596/2023

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RABINDRANATH JANA & ANR.

-Versus-

KOLKTA MUNICIPAL CORPORATION &
ORS.

BEFORE :
THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA
Date : 18th October, 2023

Appearance:
Mr. Kallol Guha Thakurta, Adv.
Md. Wasim Rahaman, Adv.
Mr. Ashis Kumar Dutta, Adv.
...for the petitioner.

Mr. Achinta Kumar Banerjee, Adv.
Mr. Anand Farmania, Adv.
...for the KMC.

The Court : The writ petition is presented, *inter alia*, challenging the order dated 24th August, 2023 whereby the certificate of enlistment issued in favour of the petitioners has been cancelled on the alleged violation of Clause 12 of U.D. & M. A. Guidelines dated 28th August, 2020.

It has been submitted on behalf of the petitioner that prior to issuance of the impugned cancellation order dated 24th August, 2023 show cause notices were issued and pursuant

thereto the petitioner responded. In addition thereto, notice of this Court has been drawn to page 31 of the writ petition wherefrom it appears that certificate of enlistment was issued in favour of the petitioner no.1 namely, Rabindranath Jana on 22nd May, 2023 and the date of commencement has been stated 22nd May, 2023. It is contended on behalf of the petitioner that in violation of principles of natural justice and without assigning any reasons, the certificate of enlistment has been cancelled.

Learned advocate representing the Kolkata Municipal Corporation (KMC) has opposed the prayer of the petitioner and has made endeavour to defend the order of cancellation dated 24th August, 2023 issued by the Deputy Licence Officer (H.Q.), KMC. It has also been submitted that though certificate of licence was issued in favour of the petitioner, the petitioner no.1, on 22nd May, 2023 a partnership agreement was executed by the petitioner and based on which the petitioner no.1 tried to run the shop.

Having considered the submission made on behalf of the learned advocates representing the parties and on perusal of the order of cancellation dated 24th August, 2023 it appears, at first blush, that the order of revocation of certificate of enlistment is a cryptic one and the same is bereft of cogent

reasons. When a statutory authority has taken a decision to revoke the certificate of enlistment which was issued on 22nd May, 2023 it is expected that some reasons ought to be assigned in support of such decision.

In view of the aforesaid flaw as indicated in connection with the revocation order dated 24th August, 2023, the same is set aside. The concerned authority of KMC is directed to revisit the issue and pass a reasoned order within a period of four weeks from the date of communication of this order, after granting opportunity of hearing to the petitioners or their representative.

With the aforesaid direction the writ petition (WPO/1596/2023) stands disposed of.

There shall be no order as to costs.

Since affidavits are not called for, the allegations contained in the writ petition are deemed not to have been admitted.

(SAUGATA BHATTACHARYYA, J.)