

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APOT/166/2022
With
WPO/2435/2022
IA NO: GA/1/2022

MAMTA BINANI AND ANR.
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE TAPABRATA CHAKRABORTY

And

The Hon'ble JUSTICE PARTHA SARATHI CHATTERJEE

Date: 10th January, 2023

Appearance:

Mr. Arindam Banerjee, Adv.
Mr. Sidhartha Sharma, Adv.
Mr. Rohit Bhattacharjee, Adv.
..for appellants

Mr. Tapan Kumar Mukherjee, Sr. Adv.
Mr. Somnath Naskar, Adv.
..for the State respondent no.7

Mr. Biswajit Mukherjee, Adv.
Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
..for KMC

The Court:- The present appeal has been preferred against an order dated 8th September, 2022 passed in a writ petition being WPO/2435/2022. The subject matter of challenge in the writ petition was a notice issued by the

Kolkata Municipal Corporation (in short, KMC) under Sections 184(3)/184(4) read with Section 185 of the Kolkata Municipal Corporation Act, 1980.

Heard Mr. Banerjee, learned advocate appearing for the appellants and Mr. Mukherjee, learned advocate appearing for KMC.

It appears that the learned Single Judge refused to grant the interim order, as prayed for in the writ petition considering the fact that the notice under challenge was at the show-cause stage and that the writ petitioners have already filed an objection before KMC which would be decided by KMC after giving a reasonable opportunity of hearing to the writ petitioners.

We do not find any infirmity in the order impugned in the present appeal and as such no interference is called for.

Needless to observe, the parties would be at liberty to pray for early disposal of the writ petition before the appropriate Hon'ble Bench.

The appeal being APOT/166/2022 and the connected application are, accordingly, disposed of.

(TAPABRATA CHAKRABORTY, J.)

(PARTHA SARATHI CHATTERJEE, J.)