

OD-2

WPO/1730/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RAJESH KUMAR PANDEY
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 11th December, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Amrita De, Adv.
...for petitioner.

Mr. Srijan Nayek, Adv.
Mrs. Sima Chakraborty, Adv.
. . .for the K.M.C.

Ms. Tuli Sinha, Adv.
...for State.

The Court: Being aggrieved by the demand raised by the Kolkata Municipal Corporation seeking pre-deposit of 50% security deposit amount for proceeding with the notice under Sections 400[1], 416 of the Kolkata Municipal Corporation Act, 1980, the petitioner filed the present writ petition.

During the pendency of the writ petition, upon the direction passed by the Court, the petitioner was permitted to appear in the hearing in connection with the proceeding under Section 400[1] of the Act. Corporation is yet to pass an order in the said proceeding after the hearing was taken up.

Learned advocate for the Corporation submits, upon instruction that, an order has already been passed but the same has been sent for approval before

the higher authority. The order is yet to be communicated to the petitioner and the same will be communicated as and when approval will be received from the higher authority.

As it appears that the hearing in connection with Section 400[1] of the Act has already been conducted without pressing for the pre-deposit, accordingly, nothing remains to be decided in the instant writ petition at this stage. The writ petition has practically become infructuous.

The Corporation may take further steps in the matter after communication of the order passed under Section 400[1] of the Act.

It will be open for the petitioner to approach the appropriate forum as and when fresh cause of action arises.

Instruction forwarded by the engineers of the Corporation signed on 09.12.2023 be retained with the record. Copy of the same has been handed over to the learned advocate appearing for the petitioner in Court today.

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.)

nm.