

Item No.49

26.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 646 of 2023
Md. Sharif Ghoshi @ Bablu Ghoshi
v.

The Kolkata Municipal Corporation & Ors.

Mr. Tarique Quasimuddin
Ms. Zainab Tahur
... for the petitioner.

Mr. Achintya Kumar Banerjee
Mr. Anand Farmania
... for KMC.

Mr. Farooque Ali
Md. A. Reza
Mr. Y. Khurshid
... for the respondent no.7.

The petitioner alleges that the private respondent no. 7 is running cable network business on the basis of trade licence issued by the Kolkata Municipal Corporation relying upon forged documents.

Application for cancellation of trade licence is pending consideration before the Deputy Licence Officer of the Corporation.

Learned advocate representing the respondent no. 7 denies the allegation of the petitioner.

It has been submitted that the respondent no. 7 is running the business on the basis of a valid licence issued by the Kolkata Municipal Corporation relying upon proper documents.

Learned advocate representing the Kolkata Municipal Corporation submits that the Corporation will

take steps in accordance with the usual practice to issue show cause notice and to seek explanation from the respondent no. 7.

None represents the respondent no. 8.

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

In view of the order that I propose to pass none of the non appearing respondents will be prejudiced in any manner if the writ petition is disposed of as follows.

The instant writ petition is disposed of by directing the Licence Officer of the licence department to take necessary steps for consideration of the petitioner's representation seeking cancellation of the Certificate of Enlistment in the name of the respondent no. 7 in accordance with the relevant rules by granting reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the parties immediately thereafter.

Learned advocate of the petitioner is directed to forward a copy of the representation seeking consideration to the Licence Officer at the time of communicating the order of the Court.

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.

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(Amrita Sinha, J.)