

16.04.2024
Item No.23
RP
Ct. No.1

**MAT 179 of 2024
With
IA No.CAN 1 of 2024**

**Municipal Commissioner,
Kolkata Municipal Corporation & Ors.
Vs.
Sashi Chowdhury & Ors.**

Mr. Ashok Kumar Banerjee, Sr. Adv.
Mr. Gopal Chandra Das
.....for Appellants
Mr. Srijan Nayak
Mrs. Rituparna Maitra
.....for Councillors
Mr. Rajarshi Basu
Mr. S.T. Mina
.....for State

1. This intra-Court appeal at the instance of the Municipal Commissioner, Kolkata Municipal Corporation is directed against the order dated 17th January, 2024 passed by the learned Single Bench in WPA 6315 of 2023. There are two parts in the said order. With regard to the first portion of the order the Kolkata Municipal Corporation is not aggrieved with. However, the direction contained in the last paragraph of the order is stated to have affected the very function of the Kolkata Municipal Corporation and, therefore, this appeal has been filed. The observations/directions issued by the learned

Single Bench in the last paragraph of the order dated 17th January, 2024 is as follows.

“Further

It appears to me that some of the Councillors or may be all do not maintain any letter issuing register to authorities or other persons or letter receiving register from authorities or other persons. Therefore, I direct the Commissioner of Kolkata Municipal Corporation to intimate this to the Mayor for a strict instruction that henceforth the Councillors who do not maintain any letter issuing register or letter receiving register in their residence or office must maintain the same from 24th January, 2024.

I direct the Register General to serve a copy of this order upon the Municipal Commissioner immediately.”

2. The above direction does not emanate from the prayer sought for in the writ petition. However, the learned Single Bench has issued a direction, which would directly affect the internal administration of the Kolkata Municipal Corporation. Since such direction was beyond the scope of the writ petition, we are inclined to interfere with the same. Accordingly, the appeal is allowed and the order and direction issued by

the learned Single bench as quoted above is set aside. However, the Kolkata Municipal Corporation may take appropriate step to ensure that all representations/applications are being received and appropriate register either physical or e-register be maintained in future.

2. With the aforesaid observations, this appeal and the connected application are disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)