

Mr. Animesh Mukherjee,
Mr. Saptarshi Chakraborty

...for the Petitioner

Mr. Gurudas Mitra,
Ms. Piyali Sengupta

...for KMC

By a letter dated July 3, 2019, the petitioner applied before the Kolkata Municipal Corporation to allow him to install two hoardings for display of advertisement on a Pay and Use toilet at E.M. Bypass beside Kasba Bus depot.

On his application, the Corporation asked the petitioner to deposit a sum of Rs. 19,375/- and the petitioner deposited the same on September 12, 2019. Thereafter it was found that the site where the petitioner intended to install the hoardings belonged to Kolkata Metropolitan Development Authority. The said authority objected to the installation of hoardings and as such, the petitioner could not display the hoardings.

It appears that after a lapse of four years, by two letters dated June 21, 2023 and August 28, 2023, the petitioner requested the Corporation to allow him to install the hoardings in alternative two places belonging to Kolkata Municipal Corporation. The Corporation declined and asked the petitioner to submit his tender through

online mode before Kolkata Municipal Corporation.

The petitioner could not have installed hoarding at the site belonging to Kolkata Metropolitan Development Authority without their consent. The Corporation, undoubtedly, before asking the petitioner to deposit the requisite fees for display of advertisement, ought to have satisfied itself regarding the consent of the site owner.

I am of the view that the Corporation cannot allow the petitioner to display the hoardings on its land only on the basis of the amount deposited on September 12, 2019, as permission fees and advertisement fees.

The petitioner must follow the due procedure to participate in the tender which would be floated by the Corporation for allotment of advertisement spaces.

In the aforesaid facts, the petitioner will be at liberty to make an application before the Corporation for refund of his money within a period of 7 days from the date of communication of this order. If such application is made, the Corporation shall refund the said amount with the interest @ 6% per annum from the date of receipt till the actual payment is made to the petitioner.

This will not prevent the petitioner from making further application for displaying advertisement in accordance with law.

WPA 2123 of 2024 is disposed of.

Urgent certified *website* copies of this order, if

applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)