

6.
15-04-2024
(Ct. no.06)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE**

**MAT 710 of 2024
+
IA NO:CAN/1/2024**

**Pankaj Mallick
Vs.
The Bidhannagar Municipal Corporation & Ors.**

Ms. Sangeeta Roy,
Mr. Sandeep Prasad Shaw,
Mr. Chandra Prakash,
Ms. Monalisa Maity,
Mr. Raju Baroi,
Mr. Aman Kumar Singh
... For the Appellant.

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey
... For Bidhannagar Municipal
Corporation.

Mr. Srijib Chakraborty,
Mr. Sumitava Chakraborty
... For Respondent No.8.

Mr. Md. Aqib Badr,
Mr. Shakti Shivam,
Mr. Vishal Prasad
... For Respondent No.9.

Mr. Amit Ranjan Pati,
Mr. Imtiaz Akhtar,
Mr. Muhammad Jawwad
... For Respondent No.10.

Defect, as noted by the Additional Stamp
Reporter, be cured forthwith.

By consent of the parties, the appeal and the
connected application are taken up together for
hearing and disposal.

The facts of this case and the issues involved are similar to that of MAT 690 of 2024 and MAT 685 of 2024, which were disposed of by a coordinate Bench by a judgment and order dated April 09, 2024. The operative portion of that order reads as follows:

“ Accordingly, we direct the Commissioner, BMC, to grant an opportunity of hearing to the appellants in the two appeals, i.e., Javed and Imtiyaz, as also to Panchibala, or their authorized representatives and take a reasoned decision in the matter in accordance with law by April 17, 2024. To avoid all confusion and controversies, we fix the meeting in the chamber of the Commissioner, BMC, on April 15, 2024, at 12-00 noon. No further notice of the meeting shall be served on the parties. This order shall operate as such notice. We, however, make it clear that this order will not prevent the Mayor-in-Council of BMC from invoking its powers under Section 266(8) of the 2006 Act in the event the Mayor-in-Council is of the opinion that the same is necessary. The Commissioner shall take a decision in the matter in terms of this order without being influenced by anything recorded in the minutes of the meeting dated November 29, 2023 or in the order of the learned Single Judge dated October 17, 2023. ”

Learned advocate for the appellant says that as was done in the aforesaid two appeals, an opportunity of hearing should also be granted to the present appellant by the Commissioner, Bidhannagar Municipal Corporation.

Accordingly, we direct that the order passed in MAT 690 of 2024 and MAT 685 of 2024 shall apply and operate in the present appeal, *mutatis mutandis*, in that the appellant's name in that order will be read as **Pankaj Mallick**. We further direct that the meeting that we had fixed before the Commissioner of Bidhannagar Municipal Corporation at 12-00 noon

today, be held at 03-00 P.M. today. In all other respects, the order dated April 09, 2024 shall remain unaltered in its application to the present appeal.

The appeal and the connected application are, accordingly, disposed of.

Affidavits not having been called for, the allegations in the stay petition shall be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(M. V. Muralidaran, J.) (Arijit Banerjee, J.)