

29.07.2024
Sl.No.26
Ct. No.15
S.A.

WPA 21086 of 2023

Prabir Kumar Datta
-vs-
The State of West Bengal & Ors.

Ms. Srilekha Chattopadhyay
...for the petitioner
Mr. Alak Kumar Ghosh
Ms. Sima Chakraborty
...for the K.M.C.
Mr. Rabindra Nath Bag
Mr. Hare Krishna Haldar
...for the State

The Stall no.CD-02-02 in Gariahat KMC Market was initially allotted in favour of one Tapas Roychaudhury by an agreement dated September 2, 1987, for a period of 30 years.

Subsequently, with the permission from Kolkata Municipal Corporation, the possession in respect of the said shop room transferred in favour of the petitioner. As a condition for such transfer, the petitioner deposited a sum of Rs.1,54,000/- (Rupees one lakh and fifty four thousand only) with the Corporation as "Initial Stallage" @ Rs.385/- per month for 400 months as per the order dated February 22, 2007, passed by the Superintendent, Gariahat Market, Kolkata Municipal Corporation.

It is the grievance of the petitioner that the Corporation by an order dated July 19, 2021, demanded a further sum of Rs.3,57,540/- (Rupees

Three lakh fifty seven thousand five hundred and forty only) for renewal of the licence for a further period of 30 years.

The petitioner contends that in raising the demand, the payment of Rs.1,54,000/- (Rupees one lakh and fifty four thousand only) as 'initial stallage' fees for a period of 400 months starting from February, 2007, has not been considered by the Corporation. He made a representation before the Corporation by a letter dated January 20, 2023, but no response has yet been received from the end of the Corporation.

From the details of the calculation as provided by the Corporation in demanding Rs.3,57,540/- (Rupees Three lakh fifty seven thousand five hundred and forty only), it does not appear that the payment of Rs.1,54,000/- (Rupees one lakh and fifty four thousand only) as indicated above was taken into consideration.

In view of the aforesaid, I dispose of this writ petition with a direction upon the Chief Manager, Market, Kolkata Municipal Corporation to consider the representation dated January 20, 2023, in accordance with law and to pass a reasoned order within a period of one month from the date of communication of this order after giving an opportunity of hearing to the petitioner.

The reasoned order should be communicated to the petitioner within a period of seven days thereafter.

Accordingly, **WPA 21086 of 2023** is disposed of.

(Kausik Chanda, J.)