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ORDER SHEET

WPO No.151 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DR. SABYASACHI NANDI & ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 7th March, 2024.

Appearance:
Mr. Ranajit Chatterjee, Adv.
Mr. Aniruddha Mitra, Adv.
....for the Petitioners.

Mr. Biswajit Mukherjee, Adv.
Mr. Swapan Kumar Debnath, Adv.
....for KMC.

The Court:- Leave granted to the Advocate-on-record of the petitioners to implead Chief Manager, Revenue (South), Kolkata Municipal Corporation as party respondent in the instant writ petition.

The petitioners seek implementation of the order passed by the Municipal Assessment Tribunal on 21.12.2022 in MAA No.217 of 2018. By the said order, the annual valuation of the premises no.535, Hemanta Mukhopadhyay Sarani, Ward No. 90, Kolkata- 700029 was re-fixed with effect from 2nd quarter of 2013-14. The Corporation is yet to take steps in compliance of the direction passed by the Tribunal.

As per the order passed by the Tribunal, the petitioners would also be entitled to refund of certain amount of money that has been paid in excess. A representation has been filed on behalf of the petitioners before the Municipal Commissioner and the Assessor Collector (South) in December, 2023. The same has not been responded as yet.

There is nothing on record to suggest that the order passed by the Municipal Assessment Tribunal has been varied or modified and/or set aside by any superior forum. Accordingly, the order passed by the Tribunal is liable to be implemented by the Corporation.

Representation filed on behalf of the petitioners seeking execution of the order passed by the Tribunal is pending consideration.

In view of the above, Chief Manager, Revenue (South), Kolkata Municipal Corporation is directed to consider the legal representation filed on behalf of the petitioners in the light of the order passed by the Municipal Assessment Tribunal and take necessary consequential steps in the matter.

A decision shall be taken positively within a period of eight weeks from the date of communication of this order. An opportunity of hearing shall be granted to the petitioners or their authorized representative. The amount that is found to be paid in excess shall positively be refunded at the earliest.

Learned advocate for the petitioners is directed to forward copy of the writ petition along with all annexure to the Chief Manager, Revenue (South), Kolkata Municipal Corporation at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)