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ORDER SHEET
WPO No.274 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ARAMBAGH'S NURSERY
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 15th April, 2024.

Appearance:
Mr. Raghunath Chakraborty, Adv.
....for the Petitioner.

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

Mr. Shayak Chakraborty, Adv.
....for Respondent No.5.

The Court:- Leave is granted to the learned Advocate-on-record of the petitioner to implead Chief Manager (Revenue), Kolkata Municipal Corporation as party respondent in the instant writ petition. Let a copy of the writ petition along with all annexures be served upon the added respondent.

The petitioner claims to be a tenant in respect of 300 sq. ft. in the 5th floor of the premises no.59B, Chowringhee Road, Ward No.70 of the Kolkata Municipal Corporation. On account of outstanding property tax dues to the tune of Rs.14,35,83,080/-, a distress warrant was issued by the Corporation under Section 219[1] of the Kolkata Municipal Corporation Act, 1980.

The Corporation has already put up a padlock in respect of the portion which the petitioner is occupying. A representation has been filed by the petitioner before the Kolkata Municipal Commissioner on 22.03.2024. The same is pending consideration till date.

It has been brought to the knowledge of the Court by the learned advocate representing the Corporation that two other writ petitions challenging the same distress warrant were filed before this Court. The

Court passed direction for consideration of the case of those writ petitioners by the Chief Manager (Revenue).

As it appears that in the present case the petitioner has already made a representation before the Commissioner which is pending consideration, accordingly, without entering into the claim of the petitioner the instant writ petition is disposed of by directing the Chief Manager (Revenue) to decide the issue in accordance with law after giving a reasonable opportunity of hearing to the petitioner for production of documents in support of his claim. A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order and the said reasoned order shall be communicated to the petitioner immediately thereafter.

The petitioner is directed to transmit the rent to the credit of the Kolkata Municipal Corporation month by month.

Report filed by the Bhowanipur Police Station be taken on record.

Supplementary affidavit filed by the petitioner be also taken on record.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)