

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/414/2024

BHAGWATDAS JAISWAL

VS

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 22nd May, 2024.

Appearance:

Mr. Srijib Chakraborty, Adv.
...For the Petitioner

Mr. Gopal Chandra Das, Adv.
Ms. Paroma Sengupta, Adv.
...For the KMC

Ms. Nilofer Siddique Alam, Adv.
...for State respondent nos. 6 & 7

Mr. Sandip Ghose, Adv.
Mr. Sudarshan Roy, Adv.
Mr. Debayan Ghosh, Adv.
...for Respondent Nos. 8 to 16

Mr. Rahul Karmakar, Adv.
Mr. Abir Lal Chakraborty, Adv.
Mr. S.K. Poddar, Adv.
...For respondent nos. 16 and 17

Mr. SoumyoMajumder, Adv.
Mr. Kallol Saha, Adv.
Mr. Shaunak Mukhopadhyay, Adv.
Mr. Akash Ghosh, Adv.
Ms. Monika Roy, Adv.
..For respondent no. 19

Mr. Rittick Chowdhury, Adv.
Mr. Dwip Raj Basu, Adv.
...For respondent no. 20

The Court: The Officer-in-Charge, Hare Street Police Station has forwarded a report before this Court signed on 14th May, 2024 which mentions that Fire License under the West Bengal Fire Services Act, 1950 was granted to M/s. Metro Retail Private Limited valid from 19th December, 2023 to 18th December, 2024.

Learned advocate representing the Corporation has relied upon the instruction forwarded by three of its engineers signed on 13th May, 2024 which mentions that recent inspection revealed that ground floor of the premises no. 39, Bentinck Street, has been converted to shopping mall which is running business in the name of “m bazaar”.

It was observed that there is a three storied building which was previously identified as “Paradise Cinema” Hall which is in the nature of assembly building. Presently, it is found that the ground floor of the building is converted to mercantile building. Notice under Section 401 of the KMC Act, 1980 has been served upon the person responsible. Infringement statement has been prepared and placed before the concerned authority. No sanction plan has been accorded by the department for change in use of the subject premises.

Learned advocate representing the respondent no. 19 who is running the garment shop/shopping mall submits that his client has all the requisite licenses and permissions for running the said business.

Report of the Corporation suggests that no permission was granted by the Corporation for change in use of the nature of the subject structure.

As it has been insisted that all licenses and permissions have been issued for running the business, accordingly, the Commissioner of the Kolkata Municipal Corporation or his delegate is directed to grant an opportunity of hearing to all the necessary parties to ascertain whether the business is run in accordance with law or not. If the concerned party fails to produce the requisite documents for running the business from the subject premises, then steps shall be taken by the official respondent to stop the business forthwith.

A decision shall be taken in the matter at the earliest but positively within 30th June, 2024.

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.)

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