

OD - 15

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/845/2024
BINDAWALA BANIJYA LIMITED AND ANR
VS
THE KOLKATA MUNICIPAL CORPORATION AND
ORS

BEFORE :
THE HON'BLE JUSTICE KAUSIK CHANDA
Date : 24th September, 2024

Appearance :
Mr. Saptangsu Basu, Sr. Adv.
Ms. A. Nag, Adv.
..for the petitioner.

Mr. Fazrul Haque, Adv.
Ms. Manisha Nath, Adv.
..for the KMC.

Mr. Paritosh Sinha, Adv.
Mr. Siddhartha Banerjee, Adv.
Ms. Soni Ojha, Adv.
Ms. Sambita B. Chatterjee, Adv.
...for respondent no.5.

The Court : The petitioners make out a peculiar case. They submit that though a notice dated August 3, 2024 at page 171 of the writ petition was issued against them in connection with an application for mutation in respect of premises No.224, AJC Bose Road, Kolkata, the Assessor Collector (South) is going to decide the issue without hearing them.

The petitioners submit that they should be heard by the authority before deciding the issue in terms of the notice dated August 3, 2024.

In view of the above, I do not find any necessity to keep the writ petition pending. The Assessor Collector (South), Assessment and Collection No.3 shall hear the petitioners before arriving at his decision and he shall allow petitioners to submit the documents they intend to rely upon. Needless to say that after hearing all concerned and considering the relevant documents, the Assessor Collector shall pass necessary orders.

Since the writ petition has been disposed of without inviting affidavits from the parties, the allegations made in the writ petition shall be deemed to be not admitted by the respondents.

Accordingly, WPO No.845 of 2024 is disposed of.

(KAUSIK CHANDA, J.)

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