

ORDER SHEET
WPO No.1795 of 2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MAYANK PATODIA
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 28th February, 2024.

Appearance:
Mr. Tarique Quasimuddin, Adv.
Ms. Sanchita Chaudhuri, Adv.
Ms. Hera Madni, Adv.
...for Petitioner.

Mr. Swapan Kr. Debnath, Adv.
Mr. Gopal Chandra Das, Adv.
...for K.M.C.

Mr. Arindam Paul, Adv.
Mr. M. P. Gupta, Adv.
Mr. Shyamal Mondal, Adv.
Ms. Aparna Celine Routh, Adv.
...for Respondent Nos.6 to 8.

Ms. Parna Roy Choudhury, Adv.
...for the State.

The Court:- A report has been placed before this Court by the License Inspector, Ward No. 63, Deputy License Officer (H.Q.) and the License Officer (H.Q.) of the Kolkata Municipal Corporation which mentions that trade license has been issued in favour of the private respondent. Relying upon the said trade license, the private respondent is running the trade of paying Guest House.

Learned advocate representing the private respondent submits that home-stay is being run from the subject premises.

Instruction forwarded by the officers of the Kolkata Municipal Corporation does not specifically answer the query of the Court as to whether separate permission/license is required for running the business of home-stay.

Submission of the Corporation is that home-stay is being patronized by the Government of West Bengal to promote tourism in the State.

Learned advocate for the petitioner refers to the notification published by the Tourism Department, Establishment Cell in the Kolkata Gazette (Extraordinary) on 13th September, 2022. The said notification lays down the West Bengal Home-stay Tourism Policy, 2022.

It is the specific submission of the petitioner that the guidelines as laid down in the policy 2022 are not followed by the private respondent for running the home-stay. Provisions in the Kolkata Municipal Corporation Act, 1980 are also not adhered to for running the home-stay.

It appears that the petitioner is yet to raise a formal objection highlighting his grievance.

In view of the above, leave is granted to the petitioner to file a formal objection before the Kolkata Municipal Corporation raising all issues. In the event an objection is filed, the same shall be considered at the earliest by the Municipal Commissioner or his delegate in accordance with the relevant rules after giving reasonable opportunity of hearing to all the necessary parties.

Writ petition stands disposed of.

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

(AMRITA SINHA, J.)