

OD-4

WPO/1879/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PRAMOD RANI SAXENA
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 4th January, 2024.

Appearance:
Mr. Arindam Banerjee, Adv.
Ms. Piyali Sengupta, Adv.
Mr. Awadhesh Kumar Rai, Adv.
...for petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
...for KMC.

The Court:- The facts of this case are similar to the facts of the writ petition being WPO/1806/2023 [O.P. Saxena & Sons, HUF vs. The Kolkata Municipal Corporation & Ors.]. In the earlier writ petition filed by one of the assesseees in respect of the self-same premises, the Court directed the Corporation to consider the representation filed by the petitioners therein after giving reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order. The petitioner claims that she is a necessary party and is similarly circumstanced as that of O.P. Saxena & Sons, HUF [supra]. It has been submitted that in compliance of the direction passed by the Court on 06.12.2023 the Corporation has initiated the proceeding for hearing the representation. The same is, however, yet to be concluded.

The present petitioner has also filed a representation on 29.09.2023. The petitioner seeks for similar relief passed in the matter of O.P. Saxena & Sons, HUF [supra]. As it appears that the issue in question is already under consideration by the

Kolkata Municipal Corporation, accordingly, the Corporation is directed to permit the petitioner to remain present at the time of consideration of the case of O.P. Saxena & Sons, HUF [supra]. The submission of the present petitioner shall be considered and the issue shall be decided conclusively by the Corporation.

As consideration of the earlier representation filed by O.P. Saxena & Sons, HUF [supra] is underway, accordingly, the Court is not framing any further time limit for conclusion of the proceeding. Proceeding shall be concluded within the time limit as specified in the order dated 6th December, 2023.

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.)

nm.