

25.06.2025
Sl. No. 37
Ct No. 3
SG

WPA 25128 of 2024

**Bipin Gupta & Ors.
Vs
Howrah Municipal Corporation & Ors.**

Mr. Suvadeep Sen.

...for the petitioners

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

...for the HMC

Mr. Ayan Banerjee,
Mr. Ashok Das,
Ms. Hasi Jana.

...for the respondent no. 8

1. The petitioners have preferred the present writ petition challenging the certificate of enlistment dated 10.05.2024 issued by respondent-Corporation in favour of respondent no. 9 for carrying out commercial activities from the flat at the first floor of the premises no. 1/4/1/, Kshirode Chandra Ghosh Road, P.S. Golabari, Howrah, Ward No. 13.

2. It is the case of the petitioners that they are the owners and occupiers of their respective flats at the first and second floor of the said premises. The building plan dated April 3, 1974 was sanctioned by the respondent Municipal authorities in respect of all flats on the said premises as residential units. They further contend that respondent no. 8 has leased out a flat on the first floor to respondent no. 9 for using the

said flat for commercial purposes of running a spa parlour, in gross violation of the said sanctioned building plan as well as the covenants contained in the deed of conveyance of the said flat. Subsequently, a purported trade license in the form of a Certificate of Enlistment has been issued by the license department of the respondent- Municipal Corporation on May 10, 2024 in favour of respondent no. 9 under Sections 87A and 102 of the said Act.

3. It is the submission of the learned Counsel for the petitioners that the said building is a residential building, and it cannot be used for commercial purposes. In such circumstances, the petitioners have caused to issue a notice of demand dated 19.09.2024 upon the respondent-Municipal Corporation authorities thereby calling upon them to immediately revoke such trade license in form of Certificate of Enlistment and further restrain the respondent no. 9 from using the said flat for non-residential (commercial) purposes. But no remedial action has been taken by the respondent authorities to address the grievance of the petitioners till date. In view thereof, the petitioners have failed the present writ petition challenging the Certificate of Enlistment issued in favour of respondent no. 9.

4. Learned Counsel for the respondent-Corporation submits that they are ready and willing to decide petitioners' representation dated 19.09.2024.

5. Learned Counsel for the petitioners submits that the petitioners shall be satisfied if the said representation dated 19.09.2024 is decided within a time bound manner.

6. In view of the statement made by the learned Counsel for the parties, this Court directs the respondent no. 4 to decide petitioners' representation dated 19.09.2024 within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioners as well as the private respondents.

7. With the above direction, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)