

25.02.2026
Item No.15
Ct. No. 5
Aloke

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

WPA 235 of 2026

R.D. AD & Anr.
Vs.
Coochbehar Municipality & Ors.

Mr. Amales Ray, ld. Sr. Adv.
Ms. Esha Acharya
Mr. Nigam Mittal
Ms. Akshita Chhetri
..for the petitioners
Mr. Dr. Navin Barik
... for the respondent nos. 1 to 5
Mr. Pritam Das
Ms. Kanika Saha Sarkar
... for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging a letter bearing Memo No. Estt/2399/CBM-25 dated 17.07.2025, issued by the respondent no. 9 and the final order dated 13.02.2026, issued by the Chairman of the respondent/Municipality regarding implementation of revised advertisement rates and payment as per revised schedule.

3. On perusal of the said notice dated 13.02.2026, it appears that the said order/notice was passed on hearing all advertising agencies calling for a meeting held on 03.02.2026 on the basis of a notice dated 31.03.2026.

4. It appears that the said meeting was a General Meeting and the said order was passed.

5. The grievance of the petitioner herein is that the agreement between the petitioner and the respondent/Municipality at page 50 of the writ application is valid till June 2026 and it is further submitted that the respondent authorities without giving a proper hearing considering that his case is not similar to the other advertising agencies submits that the order dated 17.07.2025 was passed directing as follows :

“.....Accordingly, you are hereby directed to immediately cease usage of any hoardings that were not erected by your agency and vacate the same without delay. Please be informed that your current agreement with Cooch Behar Municipality stands null and void due to the violation of its core conditions.....”

6. It is clearly a violation of the principle of natural justice considering that admittedly the petitioner was not heard before the said agreement was cancelled.

7. Learned counsel appearing for the respondent/Cooch Behar Municipality has placed an order of the Department of Urban Development & Municipal Affairs bearing Memo No.

910/MA/O/C-4/1M-31/2015 (Pt-IV) dated 21st October, 2020 and it is submitted that as per the clauses therein more specifically clauses 8 to 11 submits that as per said clauses the respondent authorities is well within its power to pass such an order.

8. On perusal of the said Memo relied upon by the respondent/Municipality clause 7 of the memo dated 21.10.2020, which is reproduced here, being relevant :

*“(7) Validity of the License shall be of duration of **one (1)** year from the date of issue of such License whereas validity of License for Temporary Advertisement shall be of duration of one (1) calendar month from the date of issuance of such License”.*

9. The said clause lays down regarding the validity of the said license/agreement which is relied upon by the petitioner which is admittedly in force for a period of one year and is supposed to remain valid till June 2026.

10. The contention of the respondent/Municipality that they are at liberty to decide to cancel the same as per the said memo dated 21st October, 2020, is not accepted to this Court as the same appears to be an abuse of the power and also against the principle of natural justice.

11. Accordingly, on hearing the parties, the writ application is disposed of with the direction that the Memo No. Estt/2399/CBM-25 dated 17.07.2025, issued by the respondent no. 9 and the final order dated 13.02.2026, issued by the Chairman of the respondent/Municipality, only in respect of the petitioner herein is set aside.

12. Respondent nos. 2 and 3 shall hear the case of the petitioner afresh by considering his representation dated 25.07.2025 and all the issues as raised by the petitioner therein and decide the same in accordance with law by passing a reasoned order on hearing the petitioner and other stake holders, within 30 days from the date of communication of this order.

13. It is further directed that the order dated 13.02.2026 shall not be applicable to the petitioner in view of the fact that the matter in respect of the petitioner is to be considered afresh and a separate order shall be passed in accordance with law, in respect of the petitioner's case.

14. Accordingly, the Municipality shall not remove the hoardings of the petitioner, till disposal of the matter by the Municipality.

15. It is clarified that after disposal of the said hearing and passing a reasoned order, the respondent authorities shall be at liberty to

proceed in accordance with law, 15 days after the order is passed.

16. **Writ application stands disposed of.**

17. Connected application, if any, stands disposed of.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)