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W.P.O. No. 354 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(VIA VIDEO CONFERENCE)

MESSRS POPAT AND KOTECOA PROPERTY AND ANR.
Versus
THE KOLKATA MUNICIPAL CORPORATION

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 27th January, 2021.

Appearance :
Mr. Arindam Banerjee, Adv.
Mr. Sankarsan Sarkar, Adv.
...for the petitioners

Mr. Biswajit Mukherjee, Adv.
Mr. F. Haque, Adv.
Ms. Manisha Nath, Adv.
...for KMC

The Court: Affidavit of service filed in Court is taken on record.

The petitioners are aggrieved by the order dated 24th December, 2019, passed by the Hearing Officer-XVI of the Kolkata Municipal Corporation, allegedly in compliance of the order passed by the Hon'ble Division Bench on 22nd November, 2019 in APO No. 134 of 2019, G.A. No. 2219 of 2019 arising out of W.P. No. 847 of 2013.

The primary contention of the petitioners is that the order impugned has been passed contrary to the provisions of the Kolkata Municipal Corporation, 1980 especially Sections 179, 184, 187 and 188. The petitioners further contend

that the representation which has been filed before the Kolkata Municipal Corporation, pursuant to the order of the Hon'ble Division Bench, has also not been considered by the Hearing Officer at the time of passing the order impugned.

The matter is required to be heard upon exchange of affidavits.

The respondent is directed to file the affidavit-in-opposition within a period of four weeks, reply, if any, be filed within a fortnight thereafter. The matter shall be ready for hearing after completion of affidavits.

The petitioners will be at liberty to make payment of the bill raised by the Kolkata Municipal Corporation dated 8th January, 2021 for the amount of Rs.50,46,424/- within the time as mentioned in the said bill. Such payment shall be made without prejudice to the rights and contentions of the parties in the instant writ petition.

The instant writ petition shall be heard along with W.P. No. 847 of 2013.

Urgent Photostat certified copy of this order, if applied for, shall be supplied to the parties, after compliance of usual formalities.

(AMRITA SINHA, J.)