

ORDER SHEET

WPO/418/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MAYANK PATODIA
Versus
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 18th September, 2025.

Appearance

Mr. Tarique Quasimuddin, Adv.
Ms. Sanchita Chaudhuri Adv.
Md. Adnan Lodi, Adv.
...for the petitioner

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

Mr. Sakya Sen, Sr. Adv.
Mr. Arindam Paul, Adv.
...for respondent nos. 8-12

The Court: The petitioner in the present writ petition is challenging the inaction on the part of the respondent Municipality in not implementing the order dated 17.03.2025 passed by the Licensing Officer, KMC, whereby the KMC had cancelled the trade license issued in favour of the private respondent and directed the private respondent to stop using the Premises No.3, Moira Street, Kolkata, as a guest house.

It is the case of the petitioner that the premises in question is known as Patodia House, is owned by private respondent no.12, a company incorporated under the Companies Act. The said building comprises of two

blocks – the Southern Block and the Northern Block. The petitioner and his family are in occupation of second, third and fourth floor of the southern block and whereas respondent nos. 8 to 10 are operating a guest house under the name and style of Moira Bread and Breakfast from the first floor, second floor, third floor as well as the roof top of the northern block. Similarly, respondent no.11 is running a guest house under the name and style of “Private Apartment and City Centre Villa” from the ground floor and first floor of northern block.

It is the contention of the petitioner that both these guest-houses are being operated illegally in violation of the municipal building regulations and zoning norms. Consequently, the petitioner submitted a complaint to the respondent municipality. However, upon receiving no response from the municipality, the petitioner was constrained to file WPO/1795/2023 against respondent nos. 8 to 10 and WPO/1796/2023 against respondent no.11.

This Court vide order dated 28.02.2024 was pleased to dispose of both the writ petitions, granting liberty to the petitioner to raise all his grievances before the respondent Municipality.

Pursuant thereto, the petitioner submitted his formal objection for both the writ petitions before the Municipal Commissioner on 28.03.2024. Thereafter, a hearing was conducted by the License Officer (H.Q) being respondent no. 5, by giving reasonable opportunities to both the parties passed an order on 17.03.2025, the operative part of the order is as follows:-

“Certificates of Enlistment bearing nos. 0015 4103 6334, 0015 5103 6336 and 0125 obtained by the private respondents being in the nature of trade Paying

Guest House at Premises no. 3, Moira Street, Kolkata-700017 which is a residential building as per record of Building Department of KMC in violation of Schedule VA u/s 435A of the KMC Act, 1980 stands cancelled with immediate effect. Upon cancellation of the CEs, the parties concerned shall cease to operate active businesses forthwith.”

It is the submission of the learned Counsel for the petitioner that despite such cancellation orders, private respondent Nos. 8 to 10 and 11 have continued to operate guest houses from the said premises. Aggrieved thereby, the petitioner has preferred the present writ petition alleging non compliance with the order dated 25.03.2025.

Mr. Sakya Sen, learned Senior Counsel for respondent Nos. 8 to 12 appears and submits that the respondents have ceased operating from the abovementioned premises and undertake not to resume operations from the said premises until due compliance is ensured. He further submits that the respondents have already applied for home stay license on 27.03.2024 and that the Ministry of Tourism has already issued a certificate in their favour though no further action has been taken by the respondent Municipality. He assures this Court that the respondents shall desist to operate from the said premises till adequate compliances are met.

In view of the statement made by the counsel for the respondent nos. 8 to 12, his grievances stand addressed at present. In view of the above statements made by the counsel for the parties nothing survives in this present writ petition. The respondent shall remain bound by his statement

and operate the guest house only after obtaining necessary licenses/approval from the competent authority.

Accordingly, the present writ petition is disposed of in the above terms.

(GAURANG KANTH, J.)

R.Bhar/GH