

OD-6

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1881/2023

M/S. D. DRUKKER AND CO [India] PVT. LTD. AND ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
THE HON'BLE JUSTICE AMRITA SINHA
Date : 4th JANUARY, 2024.

Appearance :
Mr. Arindam Banerjee, Adv.
Mr. Priyanko Banerjee, Adv.
...for petitioners.
Mr. Alak Kumar Ghosh, Adv.
Ms. Manisha Nath, Adv.
...for KMC.
Mr. Ritwik Saha, Adv.
Mr. Sourav Bhagat, Adv.
Mr. Mainak Pal, Adv.
...for Respondent no.6.

The Court:- Order dated 8th September, 2023 passed by the Chief Manager, Tolly Tax Department allegedly in compliance of the direction passed by this Court in WPO/977/2023 is impugned in the instant writ petition.

Prima facie, it appears that the impugned order is a detailed one. Legality of the same cannot be decided without calling for affidavits.

Learned advocate representing the Corporation raises an issue with regard to the maintainability of the writ petition before this Court. It has been submitted that to avoid the appellate forum, the petitioner is filing successive writ petitions before this Court.

To decide the issue, the respondents are directed to file affidavit in opposition within a period of four weeks from date; reply thereto, if any, be filed within fortnight thereafter. Liberty to mention for hearing.

The issue of maintainability raised by the Corporation is kept open to be decided at the time of final hearing of the writ petition.

As the petitioner has not prayed for passing any interim order, accordingly, no interim order is passed herein.

Affidavit of service filed in Court today be taken on record.

(AMRITA SINHA, J.)