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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 30184 of 2026

Md. Gyasuddin
Versus
The State of West Bengal & Ors.

Mr. Wasim Ahmed
Ms. Nagma Parveen
Mr. Sayan Chowdhury
... For the petitioner.

Mr. Piush Chaturvedi, Sr. Advocate
Mr. Bratin Kumar Dey
... For the Kolkata Municipal Corporation

1. Affidavit of service filed in Court is taken on record.

2. Challenging the order dated 3rd September, 2026 purportedly issued by the Municipal Commissioner though the same does not bear the signature of the Municipal Commissioner, whereby the petitioner has been directed to completely close down his business run under the name and style of Hotel Tahoura Internationl from 147, Park Street, Kolkata - 700017 and the suspension of petitioner's certificate of enlistment, the instant writ petition has been filed.

3. Having heard the learned advocates appearing for the respective parties and noting that the above order has been issued for violation of Section 416 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act), I find that the same does not comply with the provisions of Section 416(5) proviso of the said Act. No

prior show cause notice was issued to the petitioner. The abrupt closure of the petitioner's business and suspension of the petitioner's certificate of enlistment appears to be an act in colourable exercise of power. The closure notice is also not signed by the Municipal Commissioner. Apparently, there appears to be no application of mind and appears to be mechanical exercise of authority.

4. Consequently, the notice of closure dated 3rd September, 2026 cannot be sustained, the same is quashed and the writ petition stands disposed of leaving it open to the municipality to take steps in accordance with law.

5. As a sequel thereto, the order of suspension of the certificate of enlistment also stands revoked.

6. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)