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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 30568 of 2026

Md. Mamudul Haque @ Mamudul Haque
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Tarique Quasimuddin
Ms. Meena Shabnam
... For the petitioner.

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

1. Supplementary affidavit on behalf of the petitioner filed in Court is taken on record.

2. Challenging the order dated 8th 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 its business run under the name and style of Cosmos Guest House from 9, Chittaranjan Avenue, Ground Floor, Kolkata - 700072 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 8th 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. As a sequel thereto, the order of suspension of the Certificate of Enlistment also stands revoked.

5. 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.)