OD-10

ORDER SHEET

THE HIGH COURT AT CALCUTTA
Constitutional writ jurisdiction
ORIGINAL SIDE

WPO/503/2026

SABUJ KUMAR SAHA & ORS
-VS-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE RAJA BASU CHOWDHURY
Date: October 14, 2026.

Appearance:
Mr. Diptomoy Talukder, Adv.
Mr. D. Ghosh, Adv.
Mr. T. Talukder, Adv.
...for the petitioners

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

2. Challenging the order dated 10th September, 2026 purportedly issued by the Municipal Commissioner though the same does not bear the signature of the Municipal Commissioner, whereby the petitioners have been directed to completely close down its business run under the name and style of Hotel Angina from Premises No. 7/1, Marquis Street, Kolkata – 700016, Ward No.062, Borough No. VI and the suspension of the petitioners' 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 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 was issued to the petitioners. The abrupt closure of the petitioners' business and suspension of the petitioners' 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 10th 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 directing suspension of the petitioners' Certificate of Enlistment also stands set aside.

(RAJA BASU CHOWDHURY, J.)

sp3