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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE.

WPO/470/2026

JAGANNATH HOLDINGS PRIVATE LIMITED & ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE

THE HON'BLE JUSTICE RAJA BASU CHOWDHURY

Date: 1st October, 2026

Appearance

Mr. Rupak Ghosh, Adv. (VC)

Mr. Riyanshu Agarwal, Adv.

Ms. Bhawna Tekriwal, Adv.

...for the petitioner

Mr. Gurudas Mitra, Adv.

Mr. Swapan Kumar Debnath, Adv.

..for the KMC

1. The present writ petition has been filed *inter alia* challenging the purported notice dated 5th September, 2026 passed by the Municipal Commissioner, Kolkata Municipal Corporation whereby the petitioners had been notified of a complete closure of its business run from premises no.P-233, Park Street, Kolkata.
2. It is the petitioners' case that the petitioner no.1 is carrying on business *inter alia* through its establishment known as "Hotel 233", Park Street (A unit of Jagannath Holdings Private Limited) at flat nos.1 and 1A, Ground Floor, P-233, Park Street, Ward No.64, Borough – VII, Kolkata – 700017. The above establishment is a lodging only guest house, having six guest rooms and the same does not have any kitchen or food service. According to the petitioners, the petitioners have all requisite licenses including certificate of enlistment which is valid for the financial years 2026-27.
3. Mr. Ghosh, learned advocate representing the petitioners would submit that all of a sudden on 5th September, 2026, on the basis of an inspection conducted by the members of the "Joutha Committee", in terms of the office order no.33 dated 19th

August, 2026, the above closure notice was issued. According to him, the closure notice served upon the petitioners was through the Executive Engineering, Building Department, Borough-VII on 6th September, 2026, the said notice does not bear the signature of the Municipal Commission. He would submit that the above notice is based on complete non-application of mind. Though the allegation is of violation of Section 416 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as 'the said Act'), no show cause notice as is contemplated in terms of proviso to Section 416(5) has been served. The suspension of the certificate of enlistment is also without any show cause as well. The inspection report has also not been served on the petitioners. In the peculiar facts, the petitioners have approached this Court.

4. The learned advocate for the respondent Kolkata Municipal Corporation on the other hand, has attempted to claim that the provision of Section 435 of the said Act gives sweeping powers to the municipality to stall all businesses at their will without issuing any show cause. It is further submitted that grant of permission under Section 199 of the said Act does not authorise the petitioner to carry on any business at will. The grant of permission under Section 199 of the said Act is subject to other permissions and the same would be apparent from the provision of Section 435 of the said Act.
5. While responding to the query from the Court, the learned advocate for the municipality could not provide any appropriate explanation as to why the document appearing at page 77 of the writ petition being the impugned notice dated 5th September 2026 does not bear the signature of the Municipal Commissioner though based on the above notice the petitioners' business has been directed to be closed. He has also placed before the Court the inspection report dated 30th September 2026 and would submit that pursuant to the office order no.33 of 2026-27 dated 19th August 2026 issued by the Municipal Commissioner, an inspection was held.

He has also placed before the Court a communication dated 12th September 2026 addressed to the petitioners whereby the petitioners have been called upon to supply the requisite information/documents to the municipal authorities, for issuing the certificate of enlistment. According to him, if the documents/licences sought for are disclosed, the certificate of enlistment shall be restored.

6. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that the notice dated 5th September 2026 which forms the subject matter of challenge in the instant writ petition has been issued alleging violation of Section 416 of the said Act. Admittedly, no show cause prior to issuance of the aforesaid notice was issued based on which any action for violation of section 416 of the said Act could be undertaken. On such score having regard to the provisions contained in Section 416(5) proviso of the said Act, I find that the notice of closure appears to have been issued in colourable exercise of power.
7. On the contention of the learned advocate for the municipality that no premises shall be used for non-residential purpose without the municipal licence and that it was the obligation of the petitioners to disclose the municipal licence to the inspection team and failure to disclose requisite premises had resulted in the order of closure, I find that such contention is entirely misconceived as there appears to be no show-cause calling upon the petitioners to disclose the documents/licences. Admittedly, in this case, no show cause was issued. The subsequent requisition dated 19th August, 2026 cannot save the arbitrary action of issuing the closure notice. No copy of the inspection report was also disclosed to the petitioners. All actions of the respondents appear to be shrouded with obscurity. The notice dated 5th September 2026 appears to have been issued in mechanical manner without application of mind. There is also no show cause prior to the suspension of the petitioners' certificate of enlistment. The entire action on the municipal authority

and the manner in which the municipal authority has proceeded to stall a running business by a notice which does not even bear the signature of the Municipal Commissioner, appears to be illegal, without authority, in colourable exercise of power and in complete non-application of mind.

8. In the peculiar facts, this Court is constraint to set aside the notice dated 5th September 2026. Consequentially, the suspension of the petitioners' certificate of enlistment is also set aside and the certificate of enlistment is restored.
9. The writ petition, thus, stands disposed of.

(RAJA BASU CHOWDHURY, J.)