

22.09.2026  
Item No.  
AD 24  
Saswata

**WPA 25692 of 2026**

**Md. Shahnawaz  
Versus  
State of West Bengal & Ors.**

|                                   |                       |
|-----------------------------------|-----------------------|
| Mr. Saktinath Mukherjee, Sr. Adv. |                       |
| Mr. Subir Sanyal, Sr. Adv.        |                       |
| Mr. Malay Kr. Singh               |                       |
| Mr. Ratun Kumar Biswas            |                       |
| Mr. Sourojit Mukherjee            | ...For the petitioner |
| Mr. Sundar Gopal Bhattacharyya    |                       |
| Ms. Kakali Chanda                 | ...For the State      |
| Mr. Piyush Chaturvedi             |                       |
| Mr. Bratin Kumar Dey              | ...For the KMC        |

1. Challenging the order dated 23<sup>rd</sup> August 2026 passed by the Municipal Commissioner, Kolkata Municipal Corporation, whereby the petitioner’s certificate of enlistment issued under Section 199 of the Kolkata Municipal Act, 1980 (hereinafter referred to as the said Act) has been suspended having regard to the violations committed under Section 416 of the said Act, the instant writ petition has been filed.
2. Mr. Mukherjee, learned Senior Advocate appearing for the petitioner submits that the petitioner is continuing with the business of a guest house run under the name and style of AAFREEN INTERNATIONAL from premises no. 10, Mustaque Ahmed Street, Kolkata, ward no. 62. According to him, the said business is being run for the last 24 years. The above order was, however, not preceded by any show cause and in this context, reliance has been placed on the provisions of Section 416(5) proviso of the said Act.
3. In the peculiar facts, it is submitted that the above order cannot be sustained and the same should be set aside.

4. Mr. Chaturvedi, learned advocate appears on behalf of the Kolkata Municipal Corporation. The State is also represented.
5. According to Mr. Chaturvedi the order dated 23<sup>rd</sup> August 2026 was not issued without any enquiry. He would submit that in the instant case, not only an inspection was carried on but since the petitioner could not, at the time of inspection, make available relevant license and / or documents to justify the continuance of the business of the guest house from the aforesaid locale, the above order was passed.
6. He would, however, submit that if the petitioner is in a position to comply with the SOP issued vide Office Order dated 43/26-27 dated 5<sup>th</sup> September 2026, the municipal authorities would revisit the order.
7. Having heard the learned advocates appearing for the respective parties and noting from the submissions of the parties and from the materials on record that suspension of enlistment has been made having regard to the violation of Section 416 of the said Act, I am of the view that no decision in this regard could have been taken by the authorities without providing the petitioner with an opportunity of hearing as is contemplated in the proviso to Section 416(5) of the said Act.
8. There is another aspect of the matter. An inspection has already been held by the authorities. However, such inspection report is yet to be disclosed to the petitioner. In my view that the petitioner was entitled to get copy of the inspection report, prior to the authorities taking a decision in this regard.
9. At this stage, Mr. Chaturvedi makes over a copy of the aforesaid inspection report to the learned advocate appearing for the petitioner.

10. In the peculiar facts, and noting that there has been non compliance of the proviso to Section 416(5) of the said Act, and the aforesaid decision has been taken without affording the petitioner with any opportunity of hearing and since prima facie, it appears that the petitioner has been carrying on business for the last 24 years, without going into the issue as to whether the petitioner is at all authorized to continue with the said business, I am of the view that the municipal authorities must take a decision by notifying the petitioner of the shortcomings, for the petitioner to appropriately respond to the same.

11. In the peculiar facts, while setting aside the portion of the notice dated 23<sup>rd</sup> August 2026 insofar as the same suspends the certificate of enlistment under Section 199 of the said Act, I direct that the aforesaid notice be treated as a show cause for the petitioner to respond to the same.

12. The petitioner shall be at liberty to file a response to the above notice and the inspection report within 10 days from date. The municipal authorities shall also be at liberty to file any supplementary showcause provided the same is filed within 10 days from date, in which case the time to file the response shall stand extended by another ten days. If the municipal authorities upon considering the response, contemplate to pass any adverse order, an opportunity of hearing must be provided and the proceeding must be disposed of by passing a reasoned order. All points are kept open to be decided by the Municipal Commissioner in accordance with law.

13. After the order is passed, it is submitted by Mr. Mukherjee, learned Senior Advocate that the petitioner's guest house has been sealed by the respondents by putting a padlock, however, since Mr. Chaturvedi on

instruction from Mr. Partha Pratim Saha, Additional Chief Law Officer, who is present in Court, would submit that the authorities have only instructed to keep the premises sealed and have not locked the premises with any padlock, I am of the view that the padlock may be removed by the petitioner in presence of the inspecting team / respondents.

14. By consent of the parties, the time fixed for reopening of the building is fixed tomorrow (23.09.2026) at 1.00 P.M. in presence of the Executive Engineer (Civil)/Building.
15. With the above observations and direction, the writ petition is disposed of.
16. 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.)**