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94 CWN 279

Calcutta High Court

Case No: None

In Re : Sunil Kumar Sen — APPELLANT

Vs

RESPONDENT

Date of Decision: April 24, 1989

Acts Referred:

- Bengal Municipal Act, 1932 - Section 155(4)

Citation: 94 CWN 279

Hon'ble Judges: G.N. Ray, J

Bench: Single Bench

Advocate: R.P. Bagchi and S.S. Roy, for the Appellant;Abhijit Banerjee, for the Respondent

Final Decision: Dismissed

Judgement

G.N. Ray, J.

This writ petition has been moved challenging the Demand Notice dated March 27, 1989 issued by the Chairman, Bhadreswar Municipality under provision of Section 155(4) of the Bengal Municipal Act, 1932. The petitioner contends that he is carrying on business in a factory shed belonging to him within the municipal limits of Bhadreswar Municipality and the licence fee has been assessed by the Municipality at the rate of 80/- for a half yearly period. Such assessment has been hade without giving the petitioner reasonable opportunity of being heard and without taking into consideration the relevant provisions of the. Municipal Act. If a reference is made to Schedule IV item 2 of the Bengal Municipal Act it will transpire that if the fair letting value of the place of business is not less than Rs. 100/- per mensem then Rs. 80/- should be the half yearly rate of trade licence. It does not appear to me that by any stretch of imagination a factory shed within the Bhadreswar Municipality which is close to greater Calcutta can be obtained on lease on a rental less than Rs. 100/- per mensem and if Rs. 80/- has been assessed it cannot be said that such an illegality or injustice has been made for which interference by this court is called for. Even assuming for argument''s sake that the petitioner has not been given reasonable

opportunity of being heard or the Municipal provisions have not been strictly complied with before making the demand, it appears to me that this minimum demand could have been made even if the petitioner would have been given an opportunity of being heard. Hence, merely for alleged infraction of any provision of the Municipal Act, interference by the writ court is not called for as a matter of course. The writ petition is accordingly dismissed.

There will be no order as to coasts.