

Mala Roy vs The State Of West Bengal And Ors on 3 June, 2026

Author: Hiranmay Bhattacharyya

Bench: Hiranmay Bhattacharyya

OD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO(P)/2/2026

MALA ROY
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
AND

THE HON'BLE JUSTICE BISWAROOP CHOWDHURY

Date :3rd June, 2026.

(Vacation Bench)

Appearance:

Mr. Raghunath Chakraborty, Adv.

Mr. SupratickSyamal, Adv.

Ms. SonaliSengupta, Adv.

Mr. SaikatThakurata, Adv.

...for petitioner.

Mr. D. N. Ray, Sr. Adv.

Mr. Loknath Chatterjee, Adv.

Mr. Sunil Kr. Singhanian, Adv.

Ms. Mary Dutta, Adv.

...for respondents.

The Court: The petitioner has challenged the notice dated 21 st May, 2026 issued by the Municipal Secretary postponing the 54 th meeting of the Kolkata Municipal Corporation which was scheduled to be held on May 22, 2026 at 2.00 p.m. Mr. Chakraborty, learned Advocate appearing for the petitioner submits that the Municipal Secretary did not have the power and authority to postpone the said meeting. He, however, submits that the 54 th meeting of the Kolkata Municipal Corporation was duly held on May 22, 2026 at the scheduled time and several resolutions were adopted. Mr. Chakraborty places reliance upon Sections 94 and 96 of the Kolkata Municipal Corporation Act, 1980 in support of his contention that at least one meeting in every month has to be held for the transaction of business and a list of business to be transacted at every meeting of the Corporation shall be sent at the registered address of each member of the Corporation at least 72 hours before the time fixed for such meeting.

Mr. Chakraborty further refers to Rule 8 of Kolkata Municipal Corporation (Procedure and Conduct of Business) Rule 1984 in support of his contention that the notice of a meeting of the Corporation shall be issued by the Municipal Secretary under the direction of the Chairman to all the members in the manner laid down in Section 96 at least ten days before the date fixed for the meeting. He thus submits that the Municipal Secretary did not have the authority to postpone the meeting.

The learned Advocate appearing for the respondent files a statement of fact and submits that the 54th meeting of the Kolkata Municipal Corporation was postponed by issuance of the notice dated 21 st May, 2026 which was duly communicated to all the councillors on 21 st May, 2026 that is one day ahead of the meeting. He further submits that the said fact was also communicated to the Hon'ble Mayor who was fully aware of the fact. He submits, on instruction, that no meeting was held on 22 nd May, 2026.

On a query of the Court, as to whether the petitioner can produce any documents in support of the contention that the meeting was held on 22 nd May, 2026, Mr. Chakraborty prays for some accommodation to produce the resolution that was adopted in the meeting which was held on 22 nd May, 2026.

The larger issue would be whether the meeting scheduled on 22 nd May, 2026 was validly postponed or the meeting that is claimed to have been conducted by the petitioner on 22 nd May, 2026 is valid or not.

In order to decide the aforesaid issues, this Court feels that an opportunity should be granted to the petitioner to produce relevant materials in support of their claim that a valid meeting was conducted on 22 nd May, 2026.

Let a supplementary affidavit be filed by the petitioner on or before 9 th June, 2026 upon serving an advance copy of the same to the learned Advocate for the Kolkata Municipal Corporation.

The respondents will be at liberty to file a comprehensive affidavit-in- opposition to the writ petition as well as supplementary affidavit on or before 15th June, 2026.

The subject matter of disputes in this writ petition is the notice dated 21st May, 2026 postponing the meeting which was scheduled to be held on 22nd May, 2026. The petitioner has sought for an interim order restraining the respondents from giving any effect to the impugned notice dated 21 st May, 2026. At this stage, there is no scope to pass any interim order.

List this matter before the Regular Bench on 17 th June, 2026 subject to the convenience of the Regular Bench.

It will be open to the petitioner to take necessary steps with regard to conduct of meeting in terms of the provisions of the Kolkata Municipal Corporation Act, 1980.

(HIRANMAY BHATTACHARYYA, J.) (BISWAROOP CHOWDHURY, J.) A Dey/R.D. Barua