

05.08.2021
Sl. No.3
srn

W.P.A. No. 4938 of 2021
Anindita Mandal
Vs.
The State of West Bengal & Ors.

Mr. Susanta Pal,
Mr. Ananda Dulal Sarkar
...for the Petitioner.

Mr. Syamal Kumar Das,
Ms. Smita Pal
...for the Barrackpore Municipality.

Mr. Manas Kumar Kundu,
Mr. Amritlal Chatterjee
...for the State.

Affidavit-of-service is taken on record.

The petitioner has aggrieved by the order dated November 12, 2020 issued by the Chairperson, Board of Administrators, Barrackpore Municipality. The petitioner was directed to stop his business immediately which was operating from Premises No.6(4), S.N. Banerjee Road, Barrackpore, Kolkata-700120. It was stated that the petitioner had obtained the certificate of enlistment trade licence for Premises No.4(2), S.N. Banerjee Road, Barrackpore, Kolkata-700120 and not for premises No. 6(4) S.N. Banerjee Road.

It is the contention of the petitioner that an opportunity of hearing was not given and the documents submitted by the petitioner before the municipality were also not taken into consideration.

On the other hand, it is the contention of the municipality that the petitioner did not attend the hearing fixed by the municipality and having no other alternative, the municipality was forced to pass the order dated November 12, 2020.

However, as the disputed questions of facts have been raised, this Court is of the opinion that the petitioner should be given a chance to file all documents in support of her contentions before the municipality and the municipality shall consider the same in accordance with law.

Records reveal that the learned Advocate for the petitioner has already demanded justice before the Chairperson, Board of Administrators, Barrackpore Municipality by a letter dated December 30, 2020 being Annexure P/10 to the writ petition. The Chairperson/competent authority of the Board of Administrators of the municipality shall give a hearing to the petitioner and any other interested persons and allow the petitioner to file documents in favour of her contention that the diagnostic centre is being run from Premises No.4(2), S.N. Banerjee Road and not from Premises No.6(4), S.N. Banerjee Road, as alleged by the municipality. Upon conclusion of the hearing and consideration of the documents filed by the petitioner, the competent authority of the Barrackpore

Municipality shall pass a reasoned order and communicate the same to all concerned.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)