

24.08.2021
Sl. No.11
srm

W.P.A. No. 4940 of 2021
Arun Samanta & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha

...for the Petitioners.

Mr. Gopal Chandra Das

...for the Municipality.

Affidavit of service is taken on record.

The petitioners are the heirs of one late Banshi Samanta.

The said Banshi Samanta was the erstwhile owner of a flower shop situated at Premises No.173/524 Parbatipur, in Ward No.13 under the Tamralipta Municipality.

It is the contention of the petitioners that the renewal/certificate of enlistment was granted in the name of late Banshi Samanta up to March 31, 2019. Thereafter the certificate of enlistment was not renewed. It is contended that the municipality did not co-operate with the petitioners and did not supply the form. It is further submitted that the petitioners informed the municipality about the death of the said Banshi Samanta and prayed that the certificate of enlistment be issued in the name of one of the petitioners.

Mr. Das, learned Advocate appearing on behalf of the municipality, submits that the certificate of enlistment was

issued wrongly in the name of the deceased person, although the said Banshi Samanta died in 2011. Upon coming to know about the death of the said Banshi Samanta, the municipality refrained from renewing the certificate of enlistment. He submits that the formalities required to be complied with by the petitioners to get the certificate of enlistment in their joint names or in either of their names, have not been complied with.

Be that as it may, the municipal authorities are at least duty bound to inform the petitioners about the procedure and compliance which they are required to fulfil in order to be eligible for a certificate of enlistment in either their joint names or in any ones name.

Under such circumstances, the writ petition is disposed of, directing the Executive Officer of the Tamralipta Municipality, the respondent No.4 herein, to dispose of the representation of the petitioner No.1 in accordance with law upon hearing the petitioners and any other interested party. The municipality will specifically indicate the procedure to be followed by the petitioners in order to get the certificate of enlistment for running the flower shop as the petitioners cannot be put out of business for technical non-compliance. A reasoned order shall be passed and communicated to all

concerned. If the certificate of enlistment cannot be given then the reasons shall be disclosed in the order.

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

Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)