

27.09.2021  
Court No. 19  
Item no.04  
CP

WPA 11473 of 2021

Smt. Manasi Roychoudhury  
Vs.  
Chandernagore Municipal Corporation & Ors.

(via video conference)

Mr. Tanmay Mukherjee  
Mr. Kajal Ray  
Mr. Aditya Sen

... for the Petitioner.

Mr. Suman Basu

....for the respondents 1,2 & 3.

Mr. Ashis Kumar Chowdhury  
Ms. D. Mukherjee  
Ms. Sanjukta Das  
Ms. Indrani Patra

....for the respondent no. 4.

The only point to be determined in the writ petition is whether the petitioner is entitled to a certificate of enlistment from the Chandernagore Municipal Corporation (hereafter referred to as the Corporation).

Mr. Basu, learned advocate appearing on behalf of the Corporation, submits that an inspection has been made by the Corporation with regard to the application for grant of certificate of enlistment but due to the pendency of the writ petition no steps have yet been taken.

The learned advocate for the landlord, respondent no. 4 herein, submits that the writ petition is not maintainable as the same has been filed by the mother of the original licensees. The next contention is that the licence fees have not been paid. Finally it is contended that there are other criminal and civil proceedings between the parties and, as such, no orders can be passed in the writ petition.

To counter the above allegations, Mr. Mukherjee, learned advocate appearing on behalf of the petitioner, submits that the mother has been granted the power of attorney by the licensees to occupy the premises, to start a business in the premises and operate a gymnasium and also to sign all documents and papers for use and occupation of the premises. A document appointing the petitioner as the constituted attorney of the licensees has been annexed, from which it appears that the petitioner who is the mother of the licensees shall act on their behalf as their power of attorney to occupy the premises, run the gymnasium, appoint staff for the gymnasium and do all act that are necessary including signing papers and documents for the said purpose. Thus the first contention of the respondent no. 4 that the writ petition is not maintainable is not accepted.

Having considered the rival contentions of the parties, this court is of the opinion that as the petitioner holds the power of attorney, the Corporation shall proceed in the matter on the basis of the application of the petitioner and grant the certificate of enlistment upon compliance of all other formalities by the petitioner, and upon being satisfied that the up-to-date licence fees till the month of September, 2021 has been paid by the petitioner.

It is recorded that the licence fees shall be accepted from the petitioner who is the constituted attorney of the original licensees as per the documents annexed to the writ petition and receipts shall be given in the name of the licensees which shall be accepted by the petitioner. Such receipts will be produced before the Corporation.

The entire exercise by the Corporation shall be completed within a period of six weeks from the date of receipt of the compliances. The grant of certificate of enlistment in favour of the petitioner shall not be construed as a declaration of the petitioner as the licensee in respect of the premises in question. She is merely an agent. The grant of certificate of enlistment shall also not create any right or equity either in favour of the petitioner or the licensees in any suit or criminal proceedings.

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.)**