

10.11.2021
Sl. No.19
srm

W.P.A. No. 13653 of 2021

**Billa's Lounge
Vs.
The State of West Bengal & Ors.**

Mr. Aniruddha Chatterjee,
Mr. Dyutiman Banerjee
...for the Petitioner.

Mr. Ashis Guha,
Mr. Naren Ghosh Dostider
...for the State-respondents.

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

The contention in this writ petition is that the Chairperson of the Board of Administrators, Barrackpore Municipality has not renewed the trade licence in favour of the restaurant which was running under the name and style of Billa's Lounge. Thus this court has been approached against such inaction.

Records have been produced before this Court which show that trade licence had been granted to run the same as an eatery. According to Mr. Chatterjee, the Barrackpore Municipality has arbitrarily withheld the renewal of the trade licence for the period 2021-22.

Mr. Das, learned Advocate appearing on behalf of the Barrackpore Municipality, hands over a copy of the notice

dated September 9, 2021 issued by the Chairperson of the municipality asking the owner of the said premises to immediately stop the business of foreign liquor off shop being run by the said restaurant without proper licence from the municipality.

Mr. Chatterjee, however, denied such allegations and submits, on instruction, that the necessary permission from the excise department had been obtained.

However, the municipality is within its rights to raise objections if a foreign liquor off shop is being run from a restaurant without appropriate permission and licence from the municipality and other authorities.

Without going into the merits of the case, this writ petition is disposed of with a direction upon the Chairperson of the Board of Administrators, Barrackpore Municipality to dispose of the representation of the proprietor of the restaurant dated June 26, 2021 in accordance with law. The petitioner shall be entitled to make appropriate submissions and produce appropriate documents before the concerned authority and upon perusal of the same, the decision shall be taken by the appropriate authority. The decision shall be reasoned and communicated to the petitioner.

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

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.)