

Court No. 13

WPA 14672 of 2021

01.12.2021

(AD 52)

(S. Banerjee)

Arnab Pramanick

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Arnab Pramanick

... the petitioner in person

Mr. Anirban Ray, GP

Mr. Raja Saha

Mr. Debasish Ghosh

... for the State

After the death of the petitioner's grand father a license to run a foreign liquor off shop standing in the name of the deceased was transferred in the name of the uncle of the petitioner, one Sukdeb Pramanik.

The other legal heirs of the deceased were the father of the petitioner, Joydeb Pramanik and his grandmother. All of them had signed a No Objection Certificate for transfer of the license in favour of the said Sukdeb Pramanik on a family understanding.

It is submitted that Sukdeb Pramanik has not complied with the conditions of the issuance of the No-objection. The petitioner, therefore, seeks cancellation of the license favour of the said Sukdeb Pramanik. In addition thereto, the petitioner appearing in person relies upon Rule 209 of the consolidated Rules under the 1986 West Bengal Excise Act to argue that the transfer of license to his uncle, has been made contrary to the same.

Counsel for the State in answer to the arguments of the petitioner submits that the transfer has been made under orders of the Collector in the year 2007 in compliance with the Rule 14(6) of the West Bengal Excise (Selection of New Sites and Grant of License for Retail of Liquor and Certain Other intoxicants) Rules, 2003.

This court is not inclined to accept the argument of the petitioner that the license in favour of the said Sukdeb Pramanik is to be revoked or that the said license was not issued in terms of the applicable rules. The revocation of license being sought by the petitioner made after a period of 13 years appears to be more of a personal grievance against the respondent no. 8, for not having honoured a family settlement. The remedy of the petitioner against the private respondent is before a civil forum.

The license in favour of the said Sukdeb Pramanik cannot be cancelled on the grounds urged by the petitioner.

In such view of the matter the writ application is dismissed with liberty, to the petitioner, to take out appropriate civil proceeding against the respondent no. 8 if otherwise maintainable.

The Writ petition is disposed of.

There will be no order as to costs.

(Rajasekhar Mantha, J.)