

Item No. 20

22.01.2021
Ct-24

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

WPA No.10281 of 2020
Saktigargh Textiles & Industries Ltd & Anr.
v.
Chandernagore Municipal Corporation & Ors.

Ms. Amrita Pandey
... for the petitioner.

Mr. Suman Basu
... for the respondent nos. 1 to 4.

The petitioner prays for issuance of a certificate of enlistment in favour of the petitioner no. 1 in respect of the premises being Gondalpara Jute Mills, Chandernagore, Hooghly.

The petitioner made the application for obtaining the trade licence on June 11, 2020.

According to the provisions of law the Municipality is required to consider the application within thirty days. The petitioner filed representation on November 12, 2020 renewing the prayer for grant of trade licence.

The petitioner complains that the application for grant of trade licence has not been considered by the Chandernagore Municipal Corporation till date.

The learned advocate representing the Chandernagore Municipal Corporation submits, upon

instruction, that huge sum of money is lying pending in respect of the said property on account of property tax. On account of non-payment of the property tax the prayer of the petitioner for grant of trade licence in the said property cannot be considered.

In reply to the aforesaid contention of the Municipality the petitioner relies upon the judgments delivered by this Court in the matter of Harvinder Singh v. Kolkata Municipal Corporation & Ors., reported in (2017) 1 CHN 123 and Subir Bhowmick v. The State of West Bengal & Ors., reported in (2018) 5 CHN 404. In the aforesaid judgments the Court was of the opinion that no extraneous consideration could be made at the time of granting a certificate of enlistment and the consideration could only be made in respect of the conditions mentioned in the law.

The petitioner relies upon Section 141 of the West Bengal Municipal Corporation Act, 2006 which deals with the provisions of grant of trade licence.

In view of the above, the instant writ petition is disposed of by directing the Chandernagore Municipal Corporation to take necessary steps to consider the application for grant of trade licence made by the petitioner, strictly in accordance with law, in the light of the judgments relied upon by the petitioner, after giving an opportunity of hearing to the petitioner and the

private respondent herein who happens to be the owner of the land in question. The same shall be considered within a period of six weeks from the date of communication of a copy of this order and the said respondent shall pass a reasoned order and communicate the same to the petitioner and the private respondent immediately thereafter.

WPA 10281 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)