

06.08.2021
Sl. No.3(Jalpaiguri)
srm

W.P.A. No. 1121 of 2021

Sekhar Chowdhury
Vs.
Siliguri Municipal Corporation & Ors.

Mr. Sanjay Mazoomdar,
Ms Sukanya Adhikary
...for the Petitioner.

Ms. Jhuma Chakraborty,
Ms. Munmun Tewary
...for the State.

Mr. Ajay Singhal
...for the Respondent Nos.5, 6 & 7.

Mr. Soumya Dasgupta
...for the Siliguri Municipal Corporation.

The writ petition has been filed alleging inaction on the part of the Siliguri Municipal Corporation in disposing of the application for renewal of the trade licence and the application for water connection for commercial use filed by the petitioner. The petitioner is the owner of a ice manufacturing factory under the name and style of New Maa Manasha Enterprise located at Premises No.H/2242/1, Surya Sen Colony, Block A under Ward No.34 of Siliguri Municipal Corporation.

It is the contention of the petitioner that a trade licence was issued in favour of the petitioner on December 21, 2020, which was in force till March 31, 2021. The petitioner contends that “no objection” certificates from the Pollution Control Board as also the Fire Department have been obtained for running the said factory. According to the petitioner, due to

some complaints made by the respondent Nos.4 to 7, the Siliguri Municipal Corporation did not consider the applications for renewal of the trade licence and for grant of commercial water connection. It is alleged that the Corporation has been influenced by the respondent Nos.4 to 7, as a result of which, the petitioner has not been favoured with the renewal of trade licence and the commercial water connection.

The learned Advocate for the respondent Nos.5 to 7 submits that the petitioner has a licence to install the machines from the Pollution Control Board but not a permission to operate. It is further submitted that the operation of the ice factory has made the area dirty and there are chances of health hazards.

The learned Advocate for the Corporation submits that as there were complaints with regard to running of ice factory, the authorities of the Corporation had asked the petitioner to appear before the Corporation with all necessary documents in support of grant of the trade licence and water connection, but the petitioner did not submit any document.

The petitioner submits that on the date of the hearing, the petitioner was unwell and three representations have been made to the Commissioner for consideration of the issues involved in the writ petition.

Having heard the learned Advocates for the respective parties, this writ petition is disposed of with a direction upon the petitioner to appear before the Commissioner at a particular time and date to be fixed by the Commissioner not later than August 23, 2021. Forty-eight hours advance notice of the hearing shall be given to the petitioner. The petitioner shall be entitled to appear before the authority with all documents. The authority shall cause an inspection of the factory, if required, in presence of the petitioner and a representative of the respondent Nos.4 to 7 in order to ascertain whether the all safety and other norms with regard cleanliness are maintained by the petitioner. If the documents which are required by the petitioner under the law for operating the factory are in order, the Corporation shall issue/ renew the trade licence and grant commercial water connection upon compliance of all other formalities. However, if it is found that the petitioner is not entitled to renewal of the trade licence and grant of water connection, a reasoned order should be passed disclosing such reasons as to why such the same cannot be allowed. The entire exercise shall be completed within two months from date.

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.)