

ORDER SHEET

WPO/367/2019

IA NO.GA/1/2019 (OLD NO.GA.2836/2019)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

KHAIRUNNESSA ALIAS KHAIRUNNISA

VS

THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 4th February, 2021.

Appearance:

Mr. Ataur Rahman, Adv.

..for Petitioner.

Ms. Sibangi Chattopadhyay, Adv.

..for respondent.

Mr.Souma Subhra Ray, Adv

for respondent nos.9 to 12

Mr.Gopal Chandra Das, Adv.

Mr. Debangshu Mondal, Adv.

For KMC

The Court:- The grievance of the petitioner is that she surrendered her trade license long back but the Kolkata Municipal Corporation has issued a fresh license in favour of one her workers in respect of the self-same premises. The petitioner submits that the Corporation ought not to have issued the license in favour of her worker in the said premises.

The petitioner in the writ petition has prayed for a direction upon the State respondent and the Kolkata Municipal Corporation to take immediate steps against the private

respondents so that they cannot run the business in the two rooms which are standing in the name of the petitioner's husband.

It appears from the submissions made on behalf of the petitioner that the workers of the petitioner have forcibly taken possession of the shop room and have obtained a trade license for running the business.

The issue relating to forceful dispossession cannot be decided either by the respondent authorities or by the Writ Court. The grievance of the petitioner is primarily civil in nature and the petitioner ought to approach the appropriate forum for necessary relief.

Writ petition being WPO No. 367 of 2019 along with the connected application being GA No.2836 of 2019 stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)