

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 2465 of 2020

Gita Roy
-versus-
The State of West Bengal & Ors.

Mr. Raghunath Chakraborty,
Mr. M. Ahmed
...for the petitioner

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey
...for the BMC

Mr. Sudip Sarkar,
Mr. Debductta Basu,
Mr. Labanyamoy Sarkar
...for the respondent no. 8

The petitioner happens to be the widow of one Shri Biman Roy, who expired on June 27, 2004. When the husband of the petitioner was alive, he along with his brother, being the respondent no. 8 herein, was running a business under the name and style of M/s. Roy Auto Centre as per the deed of partnership executed between the two brothers.

After the death of Biman Roy, the private respondent claims that the partnership stood dissolved and the widow, that is, the petitioner, who has 50 percent share capital of the said business, reinvested the same with the business as loan which carries 8 percent interest.

The learned Advocate appearing on behalf of the petitioner alleges that her client never signed any document with regard to dissolution of the partnership business.

The Bidhannagar Municipal Corporation after the year 2004 did not renew the trade licence for a considerable period of time. The same was again renewed in the year 2018 but has been stopped once again in view of the objection raised by the petitioner herein.

The Municipality directed both the parties to produce documents in support of their claim by letter dated September 22, 2021. The Municipality submits that the petitioner has replied to the letter but the private respondent has not yet given any reply to the same.

The petitioner has raised objection regarding the renewal of the trade licence in favour of the private respondent by filing representation dated October 05, 2021. The petitioner alleges that the same has not been taken up for consideration till date.

It appears from the submissions made on behalf of the parties and the documents filed before this Court, that there are several issues between the petitioner as well as the private respondent. The objection filed by the petitioner highlighting the said issues is pending consideration before the Bidhannagar Municipal Corporation.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 to consider the representation that has been filed by the

petitioner on October 05, 2021 strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner as well as the private respondent, within a period of three months from the date of communication of this order and pass a reasoned order and communicate the same to the parties immediately thereafter.

The Commissioner, Bidhannagar Municipal Corporation, respondent no. 3 herein, will not be required to enter into any private dispute in between the parties.

The petitioner is directed to forward copy of the documents relied upon by her in support of the objections raised by her on October 05, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

The supplementary affidavit filed on behalf of the petitioner and the report filed on behalf of the Bidhannagar Municipal Corporation in Court today is taken on record.

The parties will be at liberty to rely upon their respective documents at the time of hearing.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)