

S/L 14
08.03.2022
Court. No. 19
GB

W.P.A. 6087 of 2021
With
CAN 1 of 2021

Suraj Sur
VS

Chandernagore Municipal Corporation & Ors.

Mr. Kamlesh Jha,
Ms. Srabani Biswas.

...for the Petitioner.

Mr. Suman Basu.

...for the Corporation.

The writ petition has been filed alleging inaction on the part of the Chandernagore Municipal Corporation in granting a certificate of enlistment in the name of the petitioner in terms of Section 141(2) of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the 'said Act'), pursuant to the death of the original licensee.

The petitioner submits that the said application has been kept pending since 2016 and the presumption would be that the Corporation did not have any reason to reject the prayer for issuance of the trade licence in the name of the petitioner, upon the death of his father. It is submitted by the petitioner that the petitioner is the sole heir and legal representative of the deceased in whose favour enlistment certificate had been granted and as such, there can be no further impediment towards granting the certificate of enlistment to the petitioner.

Mr. Basu, learned advocate appearing on behalf of the Corporation submits that the application of the petitioner for

grant of the certificate of enlistment in his name shall be disposed of within six weeks from the date of communication of this order.

As the Corporation has already decided that the Corporation shall process the application of the petitioner, nothing further remains to be decided in the writ petition. The Corporation is directed to ensure that the application of the petitioner for grant of certificate of enlistment is disposed of within six weeks from date of communication of this order on the perusal of the documents, which have already been filed by the petitioner. If further documents are required, the Corporation shall indicate the same to the petitioner. A hearing shall be given, if necessary, and a reasoned order will be passed. The petitioner shall be entitled to be represented either by a learned advocate or by any other authorised representative. The Corporation shall endeavour to ensure that the matter is not delayed further and must issue the certificate of enlistment, if all other formalities are complied with.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocates' communication.

In Re: CAN 1 of 2021

In view of the disposal of the writ petition, CAN 1 of 2021 is disposed of without any orders.

(Shampa Sarkar, J.)