

S/L 64
16.6. 2022
Court. No. 19
sn

WPA 8009 of 2022

Tarak Roy
Vs.
The State of West Bengal & Ors.

Mr. Krishnandu Sarkar
Ms. Meghla Das ... for the Petitioner

Md. Galib
Mr. Anubrata Santra ... for the State

It appears that there is a pre-existing Restaurant-cum-Bar in the locality where the petitioner wants to start a second Restaurant-cum-Bar. It is submitted that the Restaurant is non-functional, as the bar licence is awaited.

The police report which is required to be filed for the excise licence has been challenged before this Court. There are some contradiction in the report.

Mr. Galib, learned advocate for the police authorities submits that the people in the locality had objected as there was already an operational Restaurant-cum-Bar in the area. The people have also intimated the concerned District Magistrate and other authorities about their objections.

Having perused the report of the Sub Inspector, Pandua Police Station dated January 22, 2022, this Court finds certain ambiguity in the said report. The relevant paragraphs are quoted below:-

“ During further enquiry it came to know from the reputed persons of the area that the almost local people prevalent this type of the establishments. So a mass of the villagers submitted their appeal in several occasions in various offices in this district, like as District Magistrate etc.

Over the circumstances atrabilious situation among the villagers, serious breach of peace may be occurred by the opportunities at the area if any movement, but strong vigil there to avoid untoward incident it may be evaluated the newly proposed license there.”

The observations are contradictory and confusing. Whether the proposed Restaurant-cum-Bar would lead to breach of peace, has not been clearly indicated. The report is set aside.

The Officer-in-Charge Pandua Police Station shall make a fresh enquiry with regard to the ground reality and file a fresh report before the Excise Collector, Mogra Range, indicating clearly his opinion with reasons. If the authorities find that the grant of Bar licence to the petitioner would be detrimental to the law and order situation, in that case, supporting instances and documents must be referred to.

The police report is taken on record.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, this 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 server copy of this order.

(Shampa Sarkar, J.)