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25.08.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 8872 of 2022

**Bhaswati Chakraborty
-versus
The State of West Bengal & Ors.**

**Mr. Kaustav Bagchi,
Ms. Priti Kar.
...For the Petitioner.**

**Mr. Abhibhusan Chakraborty,
Ms. Debapriya Chatterjee.
...For the State.**

**Ms. Piyali Paul.
...For the Municipality.**

**Mr. Debayan Ghosh.
...For the Respondent No.10.**

Affidavits-of-service filed in Court today is taken on record.

None appears on behalf of the Municipality and the respondent Nos. 7, 8 and 9 in spite of service.

Learned advocate Ms. Piyali Paul submits that the learned advocate representing the Municipality has undergone cardiac surgery and has been advised rest by the doctor.

The grievance of the petitioner is that the trade license which was issued by the Municipality in favour

of her mother for running the business of clothes under the name and style of “Priya Darshini Bastralaya” from the shop room No.G/S/1 in the ground floor of ‘Brojendra Super Market’ under the Bhatpara Municipality has not been renewed.

The original licensee has expired. The petitioner and her brother, the respondent No. 10 herein are the heirs of the original licensee.

It has been submitted that the petitioner along with her brother, the respondent no. 10 submitted the application for renewal of the enlistment certificate but the same has not been considered by the Municipality allegedly on account of pendency of a civil suit by and between the petitioner and the private respondent nos. 7, 8 and 9 being the landlords of the said shop room.

The petitioner and her brother claim that the representation which was filed on their behalf by their learned advocate has also not been answered by the Municipality.

In the absence of the Municipality, the Court is not in a position to decide the issue conclusively.

Prayer of the petitioner for renewal of the certificate of enlistment is pending consideration at the end of the Municipality.

In view of the above, the licensing authority of the Bhatpara Municipality is directed to take steps for consideration of the prayer of the petitioner and her brother for renewal of the enlistment certificate strictly in accordance with law, after giving a reasonable opportunity of hearing to petitioner as well as the

private respondents at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The respondent authority shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The parties shall be entitled to rely upon all documents in support of their claim before the respondent authority 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.)