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05.09.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 10943 of 2022

**Debabrata Ray Chowdhury
-versus
The State of West Bengal & Ors.**

**Mr. Shyamal Chakraborty.
...For the Petitioner.**

**Mr. Jahar Lal De,
Mr. Supratim Dhar.
...For the State.**

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

None appears on behalf of the Municipality in spite of service.

The petitioner prays for consideration of the objection filed by him before the Uttarpara Kotrung Municipality praying for revocation of the Trade License allegedly issued in the name of a dead person.

It appears that a certificate of enlistment was issued by the Municipality on 31st March, 2021 in favour of one Manab Cycle Stores, the proprietor being Moloy Sarkar.

Reliance has been placed upon the intimation made under the Right to Information Act that Moloy Sarkar is the proprietor of the said Manab Cycle Stores.

The petitioner submits that the said Moloy Sarkar has expired and accordingly, the license ought to be revoked by the Municipality.

On a perusal of the representation filed by the petitioner, it appears that the date of death of Moloy Sarkar is not mentioned.

There is no averment in the writ petition disclosing the date of death of the proprietor of the said Manab Cycle Stores.

In view of the above, the prayer of the petitioner praying for revocation of license cannot be allowed.

In the event the petitioner is able to collect proper information about the date of death of the proprietor of the business, it will be open for the petitioner to apply before the Municipality for necessary relief.

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.)