

S/L 82
21.06.2022
Court. No. 19
GB

WPA 13493 of 2021

Arindam Chowdhury & Anr.
VS
The State of West Bengal & Ors.

Mr. Kumarjyoti Tewari,
Ms. Rajlakshmi Ghatak.

...for the Petitioners.

Mr. Santanu Kr. Mitra,
Mr. Subhabrata Das.

...for the State.

Mr. Arijit Chatterjee,
Ms. Sharmistha Dhar.

...for the Respondent Nos.8 to 10.

The petitioners have approached this Court for a direction upon the authorities of Uttarpara Police Station to stop the business, which is being run by the respondent nos.8 to 10 allegedly without complying with the statutory requirements. It is submitted that a civil suit is pending between the parties being Title Suit No.31 of 2021 before the learned Civil Judge (Senior Division), Serampore, Hooghly. A prayer for *ad interim* injunction was allowed in favour of the petitioners, thereby restraining the respondent nos.8 to 10 from creating any third party interest over the suit property.

It is submitted by Mr. Tewari, learned advocate appearing on behalf of the petitioners that the *ad interim* injunction had been extended from time to time. According to Mr. Tewari, during the pendency of the suit, fire license, certificate of enlistment, No Objection Certificate from the Pollution Control Board expired and as such, the respondent

nos.8 to 10 did not have any right to operate the banquet hall.

The police authorities have filed a report. It appears that the dispute is civil in nature. The lease granted by the petitioners to the respondent nos.8 to 10 was allegedly terminated. Such issue is pending before the learned civil court.

Undoubtedly, the dispute with regard to non-payment of the lease amount to the petitioners as also the matter with regard to termination of the lease, are to be decided by the civil court.

The allegation that the statutory requirements/compliances have not been met and the licenses and permissions required to run the banquet hall have not been renewed, are to be decided by those statutory authorities. The petitioner is at liberty to approach the appropriate authorities in this regard.

This Court has not gone into the merits of the allegations of the petitioner.

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 server copy of this order.

(Shampa Sarkar, J.)