

3.01.2022
Court No. 19
Item no.12
sn

WPA 15525 of 2021

Sk. Nemajuddin

Vs.

The State of West Bengal & ors.

Mr. Partha Bhattacharjee

Mr. Joydip Biswas

Mr. Sayandeep Dasfor the petitioner

Mr. Jahar Datta

Mr. Bipin Ghoshfor the State

This writ petition has been filed challenging issuance of trade licence in favour of the respondent no.6, to operate a business of cow trading.

The learned advocate for the petitioner submits that the petitioner was also granted a similar trade licence for the same business. It is submitted that the business of the petitioner had been suffering. It is further submitted that the petitioner and the respondent no.6 had been granted trade licence in respect of the same business, which were to be operated from adjacent plots and this in turn had affected the business of the petitioner. Accordingly, a representation had been made before the Sub Divisional Officer, Malda Sub Division as also before the District Magistrate, Malda, for withdrawal and/or cancellation of the trade licence granted to the respondent No. 6.

Mr. Bhattacharjee submits that the authority should not have issued the trade licence in favour of the respondent no.6 and should not have allowed the respondent no.6 to run the business of trading in cows from the same locality as the petitioner.

Mr. Datta, learned advocate for the licencing authority submits that there was no bar in allowing more than one person to run the business of trading in cows from different markets. He further submits that there was no government order prescribing minimum distance which had to be maintained while granting such licences to the persons for running their businesses.

Mr. Bhattacharjee, learned senior advocate appearing on behalf of the petitioner submits that there was a notification which stipulated that a minimum distance of 100 metres to 150 metres must be maintained between two cow markets and accordingly the licence should be issued by maintaining such distance, as per the said notification.

Heard the parties. The records reveal that the petitioner was granted licence to trade in cows from Babla Nayagram Cow Market, whereas the respondent no.6 had been granted trade licence for trading in cows from Kamalpur Kalutola Cow & Goar Hat. There is nothing on record to show that the said

markets were situated within 100 metre to 150 metre.

Babla Nayagram Cow Market is situated in village Dulalganj under Mouza Jote Gopal Bagmari and Kamalpur Kalutola Cow and Goar Hat is situated under Mouza Mothabari. Thus, when the petitioner and the respondent no.6 have been granted licence to run their businesses from two separate markets situated under two different mouzas and under different villages, this Court does find any reason to interfere with the trade licence granted to the respondent No. 6. However, in future, if any restriction is imposed with regard to the distance to be maintained between the business and/or market place for running the business of cow trading, the petitioner shall be at liberty to approach the authorities by filing a complaint. If such complaint is filed, the same shall be disposed of in accordance with law upon hearing all concerned. In the absence of any government order or notification or rules or regulations, this Court does not think that the loss allegedly suffered by the petitioner owing to the fact that the respondent no.6 was running the same business as the petitioner, to be a good ground for entertaining the writ petition and thus no order is passed restricting the business activities of the respondent no.6.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

Parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)