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26.09.2022
d.p.

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

W.P.A. 15322 of 2022

**Dr. Mosaraf Ali
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Iqra Rahaman.
...For the Petitioner.**

**Mr. Tapas Adhikary,
Ms. Tuli Sinha.
...For the State.**

**Mr. Satadru Lahiri,
Mr. Safdar Azam.
...For the Respondent
Nos.6, 7 and 8.**

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

The petitioner is aggrieved by the act of the Kolkata Municipal Corporation in issuing trade license in favour of the respondent Nos. 6, 7 and 8 relying on the documents which, according to the petitioner, are absolutely false, fabricated and manufactured.

A complaint was lodged by the petitioner before the Corporation as well as before the police station.

In response to the complaint lodged by the petitioner, New Market Police Station initiated case No.

36 dated 1st March, 2022 under Sections 467/468/471/120B IPC. The case was enquired. Witnesses were examined.

After completion of the investigation, the police filed the report in final form before the Learned Chief Metropolitan Magistrate, Calcutta, New Market Police Station Charge Sheet No. 103/2022 dated 10th July, 2022.

The petitioner submits that the private respondents are the sub-letees of the premises. The petitioner being the owner of the said premises did not issue any rent receipt in favour of the private parties.

The petitioner prays for a direction upon the Kolkata Municipal Corporation to enquire into the complaint filed by the petitioner challenging the issuance of the trade license in their favour.

Learned advocate appearing for the private respondents submits that the complaint filed by the petitioner against the issuance of the certificate of enlistment was duly considered by the Corporation and the same has been disposed of.

A communication was made by the Kolkata Municipal Corporation intimating the private respondents that the license department will act in accordance with any order passed by the Court of law or any other statutory authority or the competent authority of the Central/State Government.

Upon hearing the parties and upon perusal the documents placed before this Court, it appears that the

allegation of forgery as raised by the petitioner could not be substantiated before the competent Court of law.

The F.I.R was concluded by tender of the report in final form.

It is not open for the Kolkata Municipal Corporation to enquire into the allegation of fraud as raised by the petitioner.

The license department of the Corporation is not the appropriate authority to decide the right, title and interest of a party seeking license.

The Court has been informed that the Suit for eviction is pending against the tenant before the competent Court.

The petitioner will be at liberty to take appropriate steps in the said pending Suit in accordance with law, if so advised.

No relief can be granted in the instant writ petition.

The report filed by the Officer-in-Charge, New Market Police Station dated 19th July, 2022 be retained with the records.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)