

Item No. 64

31.10.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17089 of 2022
Debasis Ray & Anr.

v.

The State of West Bengal & Ors.

Mr. Probal Kumar Mukherjee
Mr. Nilanjan Bhattacharjee
Mr. Arpan Guha
... for the petitioners.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
... for the State.

None appears on behalf of the Habra Municipality despite service.

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

The petitioners claim that since 1993 they are running a nursing home under the name and style of Bijoy Krishna Memorial Shantiniketan Hospital. The licence issued in favour of the petitioners for running the said nursing home was valid till March 31, 2020.

The petitioners allege that despite application made for renewal of the trade licence on May 2, 2022 the Municipality is not taking any steps to renew the same.

In the absence of the Municipality it is not possible for the Court to decide the issue conclusively. The application for renewal of licence is pending consideration till date.

In view of the above, the present writ petition is disposed of by directing the Habra Municipality being the respondent nos. 2 to 4 to take steps to consider and dispose of the application made by the petitioners for renewal of the trade licence for running the nursing home strictly in accordance with law, at the earliest, but positively within a period of three weeks from the date of communication of a copy of this order after giving reasonable opportunity of hearing to the petitioners and all other interested parties.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

It is made clear that this Court has not gone into the merits of the prayer of the petitioners and all points are left open to be decided by the aforesaid respondent(s) at the time of consideration of the prayer of the petitioners.

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

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(Amrita Sinha, J.)