

WPA(P) 485 of 2022

**Jagannath Sardar & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sarwar Jahan
Mr. Sourav Mukherjee
Mr. Sumit Naskar

... ... for the petitioners

Mr. Anirban Ray, GP
Mr. Soumitra Mukherjee
Mr. Debasish Ghosh

... ... for the State

In this public interest petition the petitioners claiming to be the resident of village Salua have come up with the plea that from reliable sources they have learnt that the respondent Excise authorities are going to grant licence to the private respondent for opening the liquor shop in their village.

Further plea is that the proposed site for the liquor shop is within the vicinity of the locality where the primary school is situated and the road adjacent to the proposed shop is used by the students to travel for the purpose of their education and women of the village to go for taking bath in the near by river.

With the said plea the petitioners have prayed for a direction to the concerned respondent not to give licence for opening the liquor shop in the concerned area of the village.

Learned counsel appearing for the State has pointed out that the writ petition is merely based upon apprehension and that at the time of issuing of licence for

opening the liquor shop the procedure which has been prescribed in Rules 8 and 9 of the West Bengal Excise(New Sites and Grant of License) Rules, 2003 will be followed.

Rule 8 of the Rules puts a restriction on grant of liquor license at new site where educational institutions recognized by the State Government or the Central Government or any college or university is situated in the vicinity.

Rule 9(1)(C) provides for consideration of the grievance by the Collector and reads as under:-

- C. The following steps shall therefore be followed by the Collector:-
 - a. He shall consider, public grievance, if any, that may be submitted to him in this regard.
 - b. In case of receipt of such public grievance, he shall cause enquiry of the same. If no such enquiry, the representation(s) are found to be genuine, he shall not consider the prayer for grant of such licence at the proposed site.
 - c. To form an opinion, he may conduct any other enquiries as he feels necessary.

In terms of Rule 9(1)(D) the eligibility is decided only after being satisfied that the proposed site is free from any restriction/objection.

Learned counsel for the petitioners has submitted that the petitioners have already raised the objection vide communication dated 6th June, 2022 before the respondent no.2, District Magistrate & Collector, Nadia.

Learned counsel for the State has fairly submitted that the objection so raised by the petitioners will be considered at the appropriate stage.

Hence, at this stage no direction in this public interest petition is required, which is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)