

10.11.2022.
Court No.13
Item No. 40
pk

W.P.A. No. 22459 of 2022
Bhupindar Singh Atwal
Versus
State of West Bengal and others

Mr. Avirup Mondal,
Mrs. Ahana Ghosh Mondal
...For the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Tuli Sinha
...For the State.

Mr. Gopal Chandra Ghosh,
Mr. Prashant Agarwal
... for the respondent nos. 12 and 13.

Mr. Saunak Bhattacharya,
Mr. Sounak Mondal
... for the Assansol Municipal
Corporation.

Mr. Om Narayan Rai,
Mr. Nikhilesh Mittal
... for the added respondents.

Supplementary affidavit filed in Court is taken
on record.

The petitioner claims alleged inaction on the part of the Asansol South Police Station in enforcing of the order of cancellation of trade licence to the Private respondent No.13, Mithun Ghosh. He carries on business incorporated as Bazaar Retail Pvt. Ltd., the respondent no. 12. It is submitted that the police have been silent spectators as the private respondent carrying out business notwithstanding cancellation of trade licence.

The State has filed instructions of the Asansol South Police Station addressed to Government Pleader. It is submitted that the police have not been

approached with any request for any specific assistance. The contention of the Asansol South Police Station appears to be substantiated as there is no communication from the Asansol Municipal Corporation to the Asansol Police Station with any specific requisitions.

Mr. Rai, learned advocate for the added respondent produces trade licence dated 1st September, 2022 issued by the Asansol Municipal Corporation under Section 141 of the West Bengal Municipal Act, 2006. The Respondent Nos. 12 and 13 have been granted a new trade licence to carry on business. The added respondent, Onex Housing LLP is a franchisee of M/s. Bazaar Retail Pvt. Ltd., the respondent no. 12, and is running the business as such.

In those circumstances, no relief can be granted to the petitioner. There is no inaction on the part of the Municipality or the police.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)