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13.12.2022
d.p.

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

W.P.A 25143 of 2022

**Prabir Kumar Das
-versus
The State of West Bengal & Ors.**

**Mr. Gautam Banerjee.
...For the Petitioner.**

**Ms. Sipra Majumder,
Ms. Sangeeta Roy.
...For the State.**

**Mr. Achintya Banerjee,
Mr. Swapan Kumar Debnath.
...For KMC.**

**Mr. Raja Saha,
Ms. Arpita Saha,
Mr. Sanjoy Mukherjee.
...For the Respondent No.4.**

The petitioner prays for a direction upon the Kolkata Municipal Corporation for consideration of his application seeking correction in the certificate of enlistment issued in favour of the respondent No. 4.

The specific case of the petitioner is that his father ran a business at premises no.167, Bidhan Sarani, Kolkata-700006 in the name and style of M/s. Dipanjali. After the death of his father, the private respondent surreptitiously obtained the certificate of enlistment in his name.

The petitioner prays for correction of the entry in the certificate of enlistment.

Learned advocate appearing for the private respondent submits that after the death of the licensee, who happens to be his father, the respondent No. 4 applied for obtaining fresh licence in his name. The same was considered by the Corporation and certificate of enlistment issued.

It has been submitted that there is no scope for correcting the certificate of enlistment issued in favour of the private respondent.

Learned advocate appearing for the Corporation submits that new certificate of enlistment was issued upon consideration of the application made by the private respondent.

It has been submitted that the petitioner never applied for obtaining the certificate of enlistment in his name.

It appears from the submissions made on behalf of both the parties that the certificate of enlistment was initially issued in favour of the father of the private parties. After his death, the same was issued in favour of the respondent No. 4 as a formal application was made by the respondent No. 4 to obtain the license. The petitioner never submitted any application for obtaining the license.

License, not being a property, is not heritable. On the death of the licensee, the license expires. It is only after an application is made, fresh license is issued.

In the present case, on the death of the original licensee, fresh license has been issued in favour of the respondent No.4 in 2009 when he applied for the same. As there is no application on record by the petitioner, no license could have been issued in his name.

There is hardly any scope or reason for correcting the certificate of enlistment issued in the name of the private respondent.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner in applying before the Corporation for obtaining fresh license, in accordance with law, if so advised.

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

(Amrita Sinha, J.)