

07.04.2022
Court No. 19
Item no.01
CP

W.P.A. No. 750 of 2022

Nes Hasimara
Versus
The State of West Bengal & Ors.

(CIRCUIT BENCH AT JALPAIGURI)

Mr. Sounak Bhattacharya
Mr. Chandra Nath Sarkar
Mr. S. Mandal

...for the Petitioner.

Mr. Raja Saha
Mr. Subir Saha
Mr. Biswabrata Basu Mallick

....for the State.

The petitioner moved this application under Article 226 of the Constitution of India upon receipt of a communication from the Bharat Petroleum Corporation Ltd. with regard to a proposed cancellation in case the petitioner fails to renew the licence with regard to running of the petrol pump.

It is submitted by the petitioner that the renewal of the MS-HSD licence in respect of the business was due since January 1, 2019 and the same was not being granted by the District Magistrate, Alipurduar due to certain non-compliances. Such non-compliances as communicated to the petitioner by the District

Magistrate, Alipurduar by a letter dated January 5, 2022 are quoted below:

“a) Copy of Trade licence issued by respective Panchayat Samiti – valid upto – 31-12-2022.

b) Copy of Khatian No. 181 and 550 as shown in selling license.

c) Land conversion certificate as a Petrol pump.”

It is submitted by the petitioner that with regard to non-compliances at SL. Nos. b) and c) the petitioner has been taking appropriate steps before the other authorities. The complain is with regard to the non-grant of the trade licence by the panchayat samiti.

The petitioner relies on several communications from the District Magistrate, Alipurduar to the Block Development Officer, Madarihat and Executive Officer, Madarihat Panchayat Samiti, by which the District Magistrate had categorically directed the Block Development Officer and Executive Officer of Madarihat Panchayat Samiti to take urgent steps with regard to the grant of trade licence to the petitioner.

Upon considering the records, the court is satisfied that the Executive Officer, Madarihat Panchayat Samiti has failed to issue the trade licence. The application has been kept pending. Neither has the trade licence been allowed nor has a decision been taken rejecting such prayer.

Thus, this court is of the opinion that the authority cannot sit tight over the application. The concerned Block Development Officer and Executive Officer of Madarihat Panchayat Samiti must immediately take steps with regard to the prayer of the petitioner for grant of trade licence.

If the authority finds that the application is in order and the petitioner has fulfilled all the criteria required for grant of such licence, the same shall be granted within three weeks from the date of communication of this order.

If it is found by the said authority that there are some deficiencies and non-compliances, the same shall be intimated to the petitioner within three weeks from the date of communication of this order and upon the petitioner fulfilling such requirements, the trade licence shall be granted within a week thereafter.

Once the trade licence is granted to the petitioner and the other requirements as indicated by the District Magistrate, Alipurduar are fulfilled, the District Magistrate, Alipurduar shall take expeditious steps for issuance of the MS-HSD licence.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)