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10.05.2023  
d.p.

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

**W.P.A 313 of 2023**

**M/S. Joykali Oil Mill and Company & Ors.  
-versus  
The Barrackpore Municipality & Ors.**

**Mr. Kushal Chatterjee,  
Mr. Debrup Chowdhury,  
Mr. Rishav Manna.  
...For the Petitioners.**

**Mr. Shyamal Kumar Das,  
Ms. Smita Pal,  
Ms. Krishna Yadav.  
...For the Municipality.**

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

None appears on behalf of the private respondent in spite of service.

The petitioners are aggrieved by the inaction on the part of the Barrackpore Municipality to take steps for renewal of the trade license in respect of the partnership firms, M/s. Joykali Oil Mill and Company and M/s. Joykali Bhandar.

It appears that one of the surviving partners i.e, the private respondent is objecting to the renewal of license.

A suit for permanent injunction was filed by the petitioners herein in the Court of the Learned 2<sup>nd</sup> Civil Judge (Junior Division), Barrackpore being Title Suit No. 248 of 2022.

The Learned Court was pleased to pass an order on 9<sup>th</sup> June, 2022 restraining the defendant from withholding renewal of the Trade License of the plaintiff in respect of the suit property.

The petitioners allege that the said order is yet to be implemented.

Learned advocate appearing for the Municipality submits that license could not be renewed in view of the strong objection put forth by the private respondent.

Learned advocate appearing for the Municipality fails to explain as to why the direction passed by the Learned Civil Judge on 9<sup>th</sup> June, 2022 has not been acted upon.

Learned advocate appearing for the petitioners submits that the private respondent is not showing any interest in the business and the petitioners are independently carrying on the business.

The license in question expired on 31<sup>st</sup> March, 2022 and as the business is a very old and running one, the petitioners are compelled to run the business without a valid license.

Running business without valid license is absolutely illegal and improper. There is already an order passed by the Learned Civil Judge restraining the

defendant from withholding the renewal of the trade license of the petitioners, accordingly, the Municipality is directed to take steps to issue the trade license in favour of the partnership firms, M/s. Joykali Oil Mill and Company and M/s. Joykali Bhandar.

Steps shall be taken to issue the license at the earliest, but positively within a period of four weeks from the date of communication of this order.

The parties will be at liberty to agitate all their grievances before the Learned Court where the title suit is pending consideration.

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.

**( Amrita Sinha, J.)**