

71 17.07.2023
NB Ct. 14

WPA 1460 of 2023

Jogindar Kumar Das @ Jogindara Das
Vs.
The State of West Bengal & Ors.

Mr. Amit Roy.
...for the petitioner.

Mr. Suman Ghosh,
Ms. Munmun Tewary.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to hand over all the documents relating to the prayer of a mass petition dated 18.07.2022 and to investigate into this matter.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a tea stall/shop which also serves snacks. It is situated by the side of a liquor off shop. For some reason, the local police authorities came and closed down the petitioner's shop.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police has nothing to do with the closing down of the petitioner's tea stall/shop. People used to carry bottles from the off shop nearby, sit at the petitioner's tea stall/shop and consume liquor. They used to create disturbances at the locality. This prompted the local people to complain. The police intervened and asked the off

shop not to allow consumers to take liquor from that shop to the nearby tea stall/shop. The off shop complied with the order. This led to the petitioner's business going down, which resulted in its closure.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It would be unfair if the off shop is allowed to run, but the tea stall/shop closed down simply on an allegation that the purchasers bought liquor from the off shop, came to the tea stall/shop and consumed liquor there.

However, in order to avoid disturbances being created in the locality, it would be better if the tea stall/shop owner is asked not to allow anyone to consume liquor while sitting in the tea stall/shop.

At this stage, learned counsel for the petitioner voluntarily submits that in the event, the petitioner's tea stall/shop is allowed to run, the petitioner shall ensure that no person consumes liquor inside such tea stall/shop.

On such undertaking, let the petitioner be at liberty to start his tea stall/shop at the area in question. The respondent authorities shall only keep a vigil at the locality to see that no untoward incident takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)