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Ct No 2023
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**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 2106 of 2023

**Arambagh Apexx Diagnostic and Health Care
Private Limited
Vs
The State of West Bengal & Ors.**

Mr. Samrat Chowdhury
... For the petitioner.

Mr. Asish Kumar Guha
Mr. J. K. Gupta
... For the State.

Mr. Suddhadeb Adak
Ms. Arpita Mondal Adak,
... For the Arambagh Municipality.

The petitioner prays for implementation of Clause 11 of the lease deed executed by and between the Municipality and the petitioner.

According to the petitioner certain infrastructural facilities ought to have been provided by the Municipality. Due to non-fulfillment of the conditions mentioned in Clause 11 of the lease deed, the petitioner is unable to get itself empanelled under the West Bengal Health Scheme.

Learned advocate representing the Municipality denies the allegation of the petitioner. It has been submitted that the Municipality is only liable to provide the space to the petitioner and rest is the responsibility of the petitioner.

From the submissions made on behalf of the parties, it appears that the prayer of the petitioner is for implementation of certain conditions mentioned in the

deed of lease.

I am afraid that the prayer of the petitioner cannot be allowed by the Writ Court. The conditions of the lease deed are liable to be executed before the competent civil forum. For execution of the conditions of the deed, evidence is required to be taken. The same cannot be done by the writ Court.

The trade license of the petitioner has expired in March, 2021. The petitioner is in possession of the property. The Municipality submits if the petitioner clears the rent dues, the Municipality will take steps for renewal of the trade license of the petitioner.

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 to approach the appropriate forum for relief, if so advised.

It will be open for the petitioner to make payment of the rent dues for obtaining renewal of trade license.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)