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28.11.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4404 of 2021

Sandip Karforma
Vs.
The State of West Bengal & Ors.

Mr. Saikat Chatterjee,
Mr. Istayak Ahmed
...for the petitioner

Mr. Anirban Roy,
Mr. Sk. Md. Galib,
Mr. Arjun Roy,
Mr. Subhendu Sengupta,
Mr. Abu Siddique Mallick
...for the State

1. The petitioner sought to set up a liquor shop but the respondent-authorities refused to grant excise licence to the petitioner on the ground of public agitation. It is submitted that the specific villagers who had initially agitated, which was the basis of such rejection, subsequently have written that they were misled and have expressed consent in writing to the setting up of the restaurant-cum-bar by the petitioner at the concerned location. Learned counsel for the petitioner hands up a copy of the purported communication to that effect by the said villagers.
2. Learned counsel for the State submits that although the petitioner has contended that no copy

of the rejection order was served on the petitioner, the same is incorrect and the order of rejection was duly served.

3. Learned counsel for the State stands by the decision taken by the State on the materials available to the respondent-authorities.

4. Although there cannot be any fault found in the rejection by the State of the petitioner's application for excise licence at the relevant point of time in view of certain villagers having raised a public agitation, since the petitioner seeks to bring on record subsequent facts, which are extremely germane, since allegedly the self-same objectors have now taken a contrary stand and agree to the bar- cum-liquor shop being set up by the petitioner, it would only be appropriate for the respondent-authorities to reconsider the issue upon considering the documents sought to be relied on by the petitioner.

5. Accordingly, W.P.A. No. 4404 of 2021 is disposed of by directing the respondent-authorities to reconsider the issue of the petitioner's application for obtaining excise licence upon a fresh consideration of the documents now sought to be relied on by the petitioner.

6. It is made clear that upon such reconsideration and giving opportunity not only to the petitioner

but the concerned objectors on the issue, the respondent shall take a fresh decision in accordance with law.

7. The entire exercise, it is expected, shall be concluded within eight weeks from date.

8. The decision rejecting the application of the petitioner's excise licence shall remain in abeyance till the respondents decide the issue afresh as per the above direction and take a fresh call on the matter.

9. A copy of the bunch of documents handed over in court today be kept on record.

10. Learned advocate-on-record for the petitioner shall, however, serve another copy of the said bunch of documents to the learned advocate-on-record for the State during the course of the day.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

Sabyasachi Bhattacharyya, J.