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06.10.2023
A.G.M.

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

W.P.A 6804 of 2023

**Smt. Minati Karmakar
-versus
The Kamarhati Municipality & Ors.**

**Mr. Sayantan Adhya
...For the Petitioner.**

**Mr. Sankha Subhra Ray
...For the Municipality.**

The petitioner is the mother of the private respondent.

Dispute is with regard to the trade license issued in favour of the private respondent.

The petitioner alleges that the private respondent is carrying on business from the subject property without giving any share to her.

None represents the private respondent.

It appears from the submission made on behalf of the petitioner and the Municipality that there is a dispute with regard to the title of the property. The Municipality issued the trade license relying upon a 'No Objection' allegedly given by the petitioner in favour of the son.

According to the petitioner, the 'No Objection' is a forged one. The petitioner never issued any 'No Objection' Certificate in favour of her son for carrying on business in the subject property.

From the property tax receipt, it appears that the petitioner is the recorded assessee. The license in question was issued in the year 2020.

A Civil Suit in between the parties with regard to the title of the property is pending consideration before the learned Court below.

Stress is laid upon the fact that the petitioner never permitted the private respondent to run the business.

Learned advocate representing the Municipality submits that the license was issued relying upon the 'No Objection' which was submitted by the private respondent.

Upon hearing the parties, it appears that it is not for the Municipality to enter into the private dispute with regard to the title of the property.

The Municipality may not be in a position to ascertain as to whether the 'No Objection' relied upon by the private respondent for obtaining the license is a valid one or not.

As it has been submitted that the petitioner does not have any source of income, it is expected that the son will take responsibility of his mother and not disown his mother when she is of an advanced age.

The private respondent ought to discharge his moral responsibility by taking care and by maintaining his mother.

At this stage, it is not possible for the Writ Court to enter into and adjudicate the dispute in between the parties.

In view of the above, the Chairman of the Municipality is directed to grant an opportunity of hearing to the petitioner as well as the private respondent and try to sort out the issue.

Hearing may be given within a period of eight weeks from the date of communication of this order.

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.)