

17.05.2023
Ct. 5
D/L 34
ab

WPA 11713 of 2023

Ranjit Saha
-Vs-
State of West Bengal & Ors.

Mr. Sudip Deb,
Mr. Sumitava Chakraborty,
Mr. Aranyak Saha,
Ms. Ipsita Ghosh

... for the petitioner

Mr. Raja Saha,
Mr. Debraj Sahu

... for the State

1. The petitioner presently carries on a business of selling liquor from a shop situated in Birbhum. The petitioner applied for transfer of the shop from the present place in Birbhum to a second place in the same district by reason of complaints made by the local people and communicated the same to the Excise Commissioner, West Bengal on 30th January, 2023. The petitioner also received a copy of the said complaint.
2. Learned counsel appearing for the petitioner submits that after filing of the writ petition, the petitioner received an order dated 10th March, 2023 from the Collector of Excise, Birbhum rejecting the petitioner's proposal for shifting of the shop. Counsel

- submits that the petitioner should be given liberty to withdraw the writ petition and file a afresh.
3. The order rejecting the petitioner's application dated 10th March, 2023 was received by the petitioner only on 15th May, 2023. The writ petition was filed on 10th May, 2023. Hence, the petitioner could not challenge the rejection. The petitioner is hence given leave to withdraw the writ petition and file afresh.
 4. The writ petition has a prayer for an order of injunction directing the respondent authorities not to create any disturbance with regard to the smooth functioning of the petitioner's business. The concerned complainants have not been made parties to the writ petition and hence this prayer is directed only against those who have caused disturbance to the running of the petitioner's business. The petitioner can always approach the local police station for protection in the event the disturbance continues or takes an unmanageable position.
 5. WPA 11713 of 2023 is disposed of as not pressed and liberty to file afresh. As submitted by the petitioner, the petitioner shall be at liberty of seeking police assistance, if so advised.

(Moushumi Bhattacharya, J.)