

30
11.10.2023
A.G.M.

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

W.P.A 12439 of 2023

**M/s. Vishnu Enterprise Ltd. & Anr.
-Vs-
The State of West Bengal & Ors.**

**Mr. Kushal Chatterjee
Mr. Oishik Chatterjee
...For the Petitioners.**

**Mr. Arijit Dey
... For the Municipality.**

**Mr. Shamim Ul Bari
... For the State.**

Trade license of the petitioners has not been renewed allegedly on account of an objection raised by one Avijit Dutta, who claims to be the power of attorney holder of the owner of the subject premises.

The petitioners happen to be tenant and claim to have running the business from the said premises since the year 2000.

Learned advocate representing the Barangar Municipality admits that in view of the objection raised on behalf of the owner of the subject premises, license has not been renewed.

According to the provisions of law, the Municipality ought not to refuse renewal of license if the licensee may produce documents of possession of the subject premises.

It is not proper for the Municipality to enter into the landlord tenant dispute. If the person is found to be in possession of the premises, the Municipality ought to renew the licensee till direction is passed by any Court of competent jurisdiction to cancel the same.

In the instant case, it appears that there is a dispute between the landlord and the tenant. The Municipality not being a party to the said dispute, ought not to take the side of the landlord to refuse renewal of the certificate of enlistment.

In view of the above, the instant writ petition is disposed of by directing the Municipality to renew the certificate of enlistment in favour of the petitioners subject to payment of the necessary fees and upon complying the necessary formalities positively within a period of four weeks from the date of communication of this order.

Learned advocate for the petitioners are directed to forward all documents in support of their possession in the subject premises to the Municipality for taking steps in compliance of the direction passed hereinabove.

Instruction forwarded by the Municipality be retained with the records.

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.)