

ML 79
13.04.2023
Court. No. 19
GB

WPA 12708 of 2022

Sajal Mukherjee
Vs
The State of West Bengal & Ors.

Mr. Timir Baran Saha

...for the Petitioner.

Mr. Suman Dey

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The Court does not find any illegality on the part of the Pradhan in issuing the letter dated March 25, 2022.

The petitioner wants to shift the business from the jurisdiction of Domohani Gram Panchayat to a place under the jurisdiction of the Asansol Municipal Corporation. According to the petitioner, the Asansol Municipal Corporation had asked the petitioner to obtain a no objection certificate from the concerned Pradhan to shift his business.

The panchayat law does not require that if a person wants to shut down or discontinue his business situated with a panchayat area, would require a permission or a no objection. Permission is required from the local authorities to start a business. It is the petitioner's free will whether to continue with the business or not. The petitioner is only required to inform such decision to all the statutory authorities so that the trade licenses and other permissions could be accordingly dealt with by the authorities and the authorities acknowledge such decision of the petitioner. The

petitioner can pray before the Pradhan to acknowledge such decision of the petitioner.

The petitioner is at liberty to take steps in accordance with law and approach the competent authority for 'no objection' to establish and run his business from another location under the corporations.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)