

D/L. 9.
June 20, 2023.
MNS.

WPA No. 13785 of 2023

Suraj Kamkar
Vs.
The State of West Bengal and others

Mr. Sunny Nandy,
Mr. Subha Pathak

... for the petitioner.

Mr. Anant Kumar Shaw,
Mr. Mainak Ganguly

...for the respondent no. 10.

Affidavit-of-service filed in Court today be
kept on record.

Learned counsel for the petitioner submits
that the private respondent no. 10 is illegally
running a country liquor shop on a particular
premise, bearing Premises No. 546, G.T.Road,
(South), although the licence for running the said
shop was issued in respect of holding No. 543, G.
T. Road. As such, it is submitted that the
operation of the said shop ought to be restrained
by the respondent authorities.

Learned counsel appearing for the private
respondent no. 10 contends that the said
submission is erroneous. The licence was initially
issued in respect of holding No. 543, G. T. Road,

prior to the independence of India. The shop of the private respondent has been duly operating on the said holding itself. However, subsequently there was a change in the Municipal records, whereby the same holding was renumbered as 546, G. T. Road, where the private respondent no. 10 is actually continuing all along to run his country liquor shop.

It is further submitted that this issue has already been decided by the concerned authorities.

Be that as it may, as it transpires from the reply received by the petitioner under the Right to Information Act, 2005 from the concerned authorities, that there is no licensed retail Excise Shop on 543 G. T. Road and 543 G. T. Road Country Spirit Shop, Howrah is running at 546 G. T. Road. The said information is not sufficient to vindicate the case of either of the parties in the present writ petition.

Accordingly, WPA No. 13785 of 2023 is disposed of by directing the District Magistrate, respondent no. 5, to ensure that the issue is decided by the appropriate authority, that is, the concerned Collector, in accordance with law upon giving an opportunity of hearing to all concerned,

including the petitioner, the private respondent no. 10 as well as the concerned Municipality or any other authority necessary to be heard to properly and conclusively adjudicate the issue.

Such exercise, it is expected, shall be concluded within two months from the date of communication of this order to the respondent no.5.

It is made clear that the merits of the contentions of neither of the parties have been gone into by this Court and it will be open to the concerned Collector to decide all connected issues independently, without being influenced in any of the observations made by this Court.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)