

August 28, 2023
AD 12
Court No.14
SG

WPA 15275 of 2023

Sasanka Sekhar Das
vs.
The State of West Bengal and others

Mr. Uday Shankar Bhattacharya
Ms. Sudeshna Basu Thakur
... for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
... for the State

Mr. Ranjan Kali
... for the respondent No.5

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities, so that the petitioner can enter into the licensed premises being HA-29, Salt Lake City, Sector-III, Kolkata-700097 for carrying out business with immediate effect.

Affidavit of service filed in court is taken on record.

Report filed on behalf of the State is taken on record

Learned advocate for the petitioner submits that the petitioner is the licensee who had taken the ground floor of the premises in question on licence on 16.04.2019 for a period of 11 months. However, the agreement was valid for 6 years commencing from the delivery possession. In the Covid period, the petitioner did not have much business. That is why some licence fees might have fallen due. But that is no excuse for the land-owner to take law

into his own hand and put a padlock on the gate of the said premises. The petitioner should at least be allowed to take out the articles belonging to him from inside the premises.

Learned advocate for the private respondent submits that the licence was valid for 11 months. Thereafter it was not extended. So, the question of the agreement being valid for 6 years means nothing. The licensee did not pay charges for 3 months.

Learned advocate for the State submits that it is purely a civil dispute, so the petitioner can approach the civil court for necessary relief.

I have heard submissions of the parties and have perused the writ petition and the report filed by the State.

It appears that the petitioner had taken licence of the ground floor of premises in April, 2019 for 11 months and the said licence was not extended thereafter.

The petitioner's case is that a padlock was put by the land-owner sometime in 2020.

This is hardly a matter for this Court to grant any relief. If at all, the petitioner shall be at liberty to approach the civil court.

Therefore, I do not find any merit in this application.

Accordingly, the writ petition is dismissed without any costs.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]