

D/L
Item No. 13
13.07.2023
KOLE

WPA 15314 of 2023

**Ashok Ghosh Lal Yadav @ Ashok Lal Yadav
-Vs.-
The State of West Bengal & Ors.**

Mr. Papiya Chattopadhyay,

...for the petitioner.

*Mr. Wasim Ahmed,
Mr. Md. Shehabuddin,*

...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent nos. 2 to 4 to render police assistance so that the petitioner can operate and/or function the daily market on the land of the petitioner being .17 decimal of land appertaining to Plot Nos. 104/5504, 191/5506, 191/5507, J.L. No. 4, Khatian No. 2817 Mouza Maniknagar, PS. Ratua, District Malda on the basis of a license issued by Ratua-I Panchayat Samity, Malda for conducting daily market, without facing any obstruction by the respondent nos. 9 and 10.

Report filed on behalf of the State is taken on record.

Learned Counsel for the petitioner submits as follows. In 2008 the land in question was purchased by the petitioner. On 01.04.2023, the petitioner obtained trade license for conducting daily maket issued by the Ratua-I Panchayat Samiti. The license is valid till 31.03.2024. Sometime in the month of April, 2023 the police authorities of the Ratua Police Station, Malda along with the local MLA

started creating disturbances to the smooth functioning of the daily market. On 12.06.2023 the petitioner complained to the said police authorities, but in vain.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner has been doing unlawful things like collecting money on daily basis from the traders operating business from the land in question. An enquiry was conducted in this regard and appropriate steps shall be taken eventually. However, the respondent authorities are acting in accordance with law and are not physically preventing or disturbing the petitioner from running the market at the place in question. The allegations made by the petitioner are absolutely false.

I have learned Counsel for the parties and have perused the writ petition and the report filed by the State.

If there is any infraction by the relevant laws caused by the petitioner in running the market contrary to the terms of the license issued, the competent authority shall be at liberty to take appropriate action after giving the petitioner an opportunity of hearing. However, this does not entitle anyone to disturb or prevent the petitioner from running the market.

In fact, the respondent authorities shall ensure that the private respondents shall not obstruct the running of the daily market by the petitioner till an appropriate order could be passed by a competent authority.

Let the police keep a strict vigil at the place and ensure that no order of any Court is violated.

With these observations, this writ petition stands disposed of.

Since affidavits are not called for, the allegations made in the writ petition are not deemed to be admitted by the respondents.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)