

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 17882 of 2023

Sakti Bag
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Ghosh,
Ms. Moumita Chosh
.... for the petitioner

Mr. Anirban Ray,
Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal
....for the State

1. Despite service, none appears for the private respondent, although the petitioner and the State-respondents are represented through counsel.
2. Affidavit-of-service filed in Court today be kept on record.
3. Learned counsel for the petitioner submits that the petitioner is the landlord and the private respondent, in the garb of enjoying a tenancy and having licence to run a liquor shop in a different portion, is running the said liquor shop on the let out portion belonging to the petitioner.
4. It is argued that despite objection, the respondent-authorities are not doing anything in that regard.

5. Learned counsel appearing for the respondent-authorities submits that the writ petition is an eviction suit camouflaged as a writ petition. It is further submitted that the liquor business is being carried on on the plot for which the licence have been given. A written instruction in that regard is filed by learned counsel for the respondent authorities.

6. Be that as it may, since the petitioner has raised certain specific allegations, it is the incumbent duty of the respondent-authorities to address the same, if necessary, upon giving an opportunity of hearing to the petitioner to enable the petitioner to ventilate his grievances.

7. Accordingly, keeping the report on record, W.P.A. No. 17882 of 2023 is disposed by directing the respondent no. 2, that is, the Superintendent of Excise, Purba Medinipur, to give an opportunity of hearing to the petitioner upon fixing a prior date for the same and, thereafter, to decide the representation given by the petitioner with regard to the running of liquor shop by the private respondent.

8. While doing so, the respondent no. 2 shall also give an opportunity of hearing to the private respondent and/or her men and agents.

9. It is expected that the entire exercise shall be concluded by December 15, 2023.

10. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)