

11.01.2023
Item No. 62
Ct. No. 25
PG

W.P.A. 18364 of 2019
With
I.A. No. CAN 1 of 2020 (not in file)

Dinesh Kumar Mal
Vs.
The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. Abir Lal Chakraborty
Mr. Debrup Chowdhury.....for the petitioner

Mr. Anant Kr. Shaw
Mr. Mainak Ganguly...for the respondent nos. 7,8 & 9

The grievance of the petitioner is that the Collector of Excise, Burdwan has not communicated any decision with regard to the representation of the petitioner being annexure-P3 appearing at page 44 of the writ petition.

After going through the said representation, this Court finds that the writ petitioner claims to have approached the authority with the prayer for withdrawal/revocation of the licence granted in favour of the 7th, 8th and the 9th respondents in the writ petition and also to relocate the liquor shop in conformity with the provisions of the relevant statute.

Mr. Shaw, learned counsel representing the 7th, 8th and the 9th respondents submits that the said respondents are carrying on the business since 1960

and the prayer for relocation of the liquor shop as well as for withdrawal and/or revocation of the licence at this stage does not arise.

After hearing the learned advocates for the parties and considering the materials on record, this Court finds that though the petitioner claims to have submitted a representation, which is annexed as annexure-P3 at page 44 of the writ petition but the same is an undated one and no proof of service of such representation has been annexed to the writ petition. Since the petitioner claims to have submitted such representation, this Court is of the considered view that the interest of justice would be subserved if the concerned respondent authority is directed to consider and dispose of the said representation, which is annexed at page-44 of the writ petition by passing a reasoned order upon giving an opportunity of hearing to the writ petitioner, 7th, 8th and the 9th respondents and/or their authorised representatives and to pass a reasoned order, which shall be duly communicated to the concerned parties.

Since the said representation at page-44 of the writ petition is an undated one and no proof of any service is produced before this Court, the writ petitioner is directed to supply a copy of the said representation along with a copy of this order to the Collector of Excise, Burdwan being the 4th respondent

in the writ petition, who shall, upon giving an opportunity of hearing to the parties as directed hereinbefore, pass a reasoned order and communicate the same within a period of eight weeks from the date of communication of this order along with the representation, as directed hereinbefore.

With the above directions and/or observations, the writ petition stands disposed of, without, however, any order as to costs.

It is, however, made clear that this Court has not gone into the merits of the claims and counter claims of the respective parties and the 4th respondent shall be at liberty to take a reasoned decision strictly in accordance with law.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)