

24-01-2023
Item No. 17 AD
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.21727 of 2022
Md. Asgar Ali
-vs-
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder ...for the petitioner

Mr. Debasish Kar ...for the private respondent

The petitioner is aggrieved by a communication dated July 5, 2022 made through the Executive Officer, Bhatpara Municipality whereby and whereunder the trade licence of the petitioner stood withdrawn as the petitioner failed to produce the no-objection of the landlord.

None represents the Municipality despite service. Affidavit of service filed be taken on record.

In the impugned communication reference has been made to an order passed in the matter of Binod Kumar Jana v. Calcutta Municipal Corporation. No details of the aforesaid case are mentioned in the impugned communication. Neither the date of the order, nor the case number, nor the court which passed the order are disclosed; only a reference has been made in the impugned communication.

It appears that the petitioner is a tenant and the private respondent no.6 objecting to the issuance of the trade licence in favour of the petitioner is the owner of the subject premises. The owner obtained an ex parte order of eviction against the tenant, the petitioner herein. The

tenant challenged the said decree; and an order has been passed staying the decree of eviction. As on date, admittedly, the decree of eviction is stayed.

No provision of law has been placed before this court to suggest that a no-objection is required from the landlord for issuance of certificate of enlistment by the Municipality.

Accordingly, the impugned order withdrawing the certificate of enlistment/trade licence is set aside.

The certificate of enlistment issued on February 10, 2022 is valid till date. It will be open for the petitioner to continue his business with the said certificate of enlistment as long as the said certificate remains valid.

The writ petition is thus disposed of. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

