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18.01.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28245 of 2022

**Abu Hussain Querashi & Ors.
-versus
The Purulia Municipality & Ors.**

**Mr. Amitava Pain,
Mr. Noni Gopal Chakraborty.
...For the Petitioners.**

**Mr. Sougata Mitra,
Ms. Ankita Dey,
Ms. Subhasri Chatterjee.
...For the Municipality.**

**Ms. Sipra Mazumder,
Ms. Prativa Ghatak.
...For the State.**

**Mr. Rwriteendra Banerjee,
Mr. Shibasis Chatterjee,
Mr. Devdutta Pathak.
...For the Private Respondent.**

The Chairman of Purulia Municipality on 8th December, 2022 requested the Superintendent of Police, Purulia for deployment of required police personnel for removal of seven Goomties situated on R.S. Plot No.15221 in Mouza-Purulia.

The petitioners are the seven Goomty holders who have been directed to remove their Goomties.

The Court on 20th December, 2022 recorded the undertaking of the learned advocate appearing for the

petitioners that in the event the petitioners are unable to produce any valid license permitting them to run their business, then the petitioners will be obliged to remove their Goomties from the place they are presently occupying.

A supplementary affidavit filed in Court today by the petitioners is taken on record.

No document has been annexed in the said supplementary affidavit wherefrom it will be evident that the petitioners are running the business on the strength of any license issued in their favour by the Purulia Municipality.

Learned advocate appearing for the Municipality submits that, as on date there is no valid license in favour of any of the petitioners. The petitioners hold on to the Goomty rent paid by them and accepted by the Municipality.

The petitioners have approached the Learned Civil Court praying for an order of injunction restraining the defendants from removing them from the said place.

The Learned Civil Judge, Senior Division at Purulia in T.S. No. 267 of 2021 was pleased to pass order on 27th July, 2021 rejecting the prayer of the petitioners for ad interim injunction.

Learned advocate appearing for the private respondent submits, upon instructions, that on the selfsame cause of action as the prayer of the petitioners stood refused by the competent Civil Court, accordingly, the same issue ought not to be raised all over again in the present writ petition.

I have heard the submissions made on behalf of the parties.

It appears that the petitioners do not have a valid license to carry on business from the Goomties and accordingly, the petitioners are bound to remove their Goomties from the place where it is presently situated.

This Court is of the opinion that mere payment of Goomty rent does not give any right to the petitioners to carry on business from the said Goomties without a valid license from the Municipality.

The place where the Goomties is located is a public place.

There is no reason for interfering with the communication of the Chairman, Purulia Municipality dated 8th December, 2022 seeking deployment of police personnel for removal of the seven Goomties.

The Municipality shall proceed to take steps in accordance with law for removal of the Goomties.

The writ petition, accordingly, fails and is hereby dismissed.

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

(Amrita Sinha, J.)