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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1395/2023

SHRI PALASH PAUL
VS
PRINCIPAL SECRETARY, DEPARTMENT OF URBAN DEVELOPMENT AND
MUNICIPAL AFFAIRS AND ORS.

BEFORE:
THE HON'BLE JUSTICE AMRITA SINHA
Date : 19TH JULY, 2023.

Appearance :
Mr. Jatinder Singh Dhatt, Adv.
...for petitioner.
Mr. G. C. Das, Ms. Manisha Nath, Advs.
...for KMC.

The Court : A report has been filed by the Deputy Licence Officer, Licence Department, Borough-I, Cossipore and the Licence Officer [H.Q.], Kolkata Municipal Corporation, wherefrom it appears that the Certificate of Enlistment in favour of the petitioner was issued online on 04.12.2020 and the same was closed online on 25.11.2022. No manual application has been submitted for closure of the business.

Learned advocate for the petitioner submits, upon instruction, that the petitioner did not file any application either online or offline for closure of the business. The petitioner is interested to continue with his business.

From the licence closure application information forwarded by the Corporation, Licence Department, it appears that one Arvind Kumar Shaw filed application for closure of the business.

Neither the Corporation nor the petitioner is able to justify as to how the application made by a third party be accepted for closure of the business of the petitioner.

In the absence of proper explanation it has to be taken that the closure was absolutely illegal.

It will be open for the petitioner to file an application for renewal of his Certificate of Enlistment by a week from date. The Corporation is directed to consider the said application in accordance with law at the earliest but positively by four weeks from the date of filing the application. The Certificate of Enlistment shall be renewed in such a manner that there should not be any break in the business of the petitioner.

Writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)