

OD-5

ORDER SHEET
WPO/1783/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SWAPAN KUMAR KHASKEL
VS
KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 5th December, 2023.

Appearance:
Mr. M.A. Samad, Adv.
Ms. Nayaab Mulla, Adv.
Ms. Priyanka Sharma, Adv.
. . .for the petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
. . .for the K.M.C.

Md. S. Hossan, Adv.
Ms. Sanjida Sultana, Adv.
. . .for the private respondent.

Mr. Debangshu Dinda, Adv.
. . .for the State.

The Court: The petitioner has raised an objection before the Municipal Commissioner against the private respondent alleging that the private respondent is running business on the strength of a trade licence which was obtained by fraudulent means. The petitioner has made a prayer before the Municipal Commissioner seeking cancellation of the trade licence issued in

favour of the private respondents. The said representation is pending consideration.

Learned advocate representing the private respondent/ tenant of the subject premises submits that there are valid rent receipts in the name of the private respondent relying upon which the trade licence was obtained. The private respondent is running the business for considerable period in accordance with the licence issued by the Corporation. It has been denied that the licence has been obtained by fraudulent means.

Learned advocate representing the Kolkata Municipal Corporation has obtained instruction from the Deputy Licence Officer (H.Q.) and the Licence Officer (H.Q.) signed on 4th December, 2023 wherein it is mentioned that the certificate of enlistment in the name of M/s. Anju Jewellers against the nature of trade 'GOLD SMITH' is renewed up to 2023-24. The electricity bill has been accepted as proof of occupancy. No objection certificate from the fire authority or the West Bengal Pollution Control Board is not required for running the said business. The Kolkata Municipal Corporation is not in a position to cancel the certificate of enlistment at the said premises.

From the instruction forwarded by the licence department it appears that the submission of the petitioner that the business was being run by obtaining trade licence in a fraudulent manner, cannot be accepted. The Corporation has come to a specific finding that the fire licence and no objection certificate from the Pollution Control Board will not be required and the private respondent was running the business in accordance with law.

In view of the above, the relief sought for by the petitioner in the instant writ petition cannot be allowed. The writ petition fails and is hereby dismissed.

The instruction forwarded by the Deputy Licence Officer and the Licence Officer be retained with the records.

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

(AMRITA SINHA, J.)

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