

10.
28.02.2024
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 247 of 2024

Sri Dayamoy Mondal
Vs.
The State of West Bengal & Ors.

Mr. Prolay Bhattacharjee,
Ms. Moupriya De
...for the petitioner

Mr. Sk. Md. Galib,
Ms. Sujata Mukherjee
...for the State

Mr. Sailendra Kumar Tiwari
...for the U.O.I.

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra,
Ms. H. Roy,
Ms. Bratati Pramanick
...for the respondent nos. 9 and 10

1. The writ petitioner alleges that despite having applied for certain information, in the form of four queries, from the respondent-authorities and given a representation, the respondent-authorities did not give proper answer to one of the queries.
2. The primary grievance of the petitioner is that several irregularities were committed with regard to the liquor business-in-question for which its existing licence should be suspended.
3. Learned counsel for the respondent-authorities files a report where it has been disclosed that the

information sought by the petitioner has been substantially given to the petitioner.

4. However, regarding the consideration of the petitioner's representation, a copy of which is annexed at page 32 of the writ petition as well, it is submitted that the same is under process.

5. Learned counsel for the respondent-authorities also submits that a criminal complaint was also lodged by the petitioner, regarding which a First Information Report was registered.

6. Upon hearing learned counsel for the parties, it transpires that the petitioner has made several allegations of irregularities committed in the management of the business-in-question. However, it is not within the domain of the Excise Authorities to look into all the components of such allegations. The petitioner is at liberty to approach the appropriate fora with such grievances regarding the functioning and management of the company-in-question and regarding criminal allegations made by the petitioner.

7. The limited scope of adjudication by the respondent-authorities is whether the excise licence was given properly and in adherence to the law governing the field for the liquor shop-in-question and whether under the extant provisions of law and

procedure, the said licence can still subsist, all in the light of the allegations made by the petitioner.

8. In such view of the matter, W.P.A. No. 247 of 2024 is disposed of by directing the respondent no. 7, that is, the Additional District Magistrate (General), Paschim Bardhaman, to decide the representation given by the petitioner in the light of the observations made above, restricting himself to a consideration of whether on the face of such allegations, the licence was validly issued in favour of the concerned shop and whether such excise licence can still subsist.

9. Such exercise shall be concluded, upon giving an opportunity of hearing to the petitioner and all concerned, preferably within six weeks from date.

10. Upon the said consideration, the respondent no. 7 shall take appropriate steps in consonance with the outcome of such consideration.

11. Since no affidavits are invited, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents

12. There will be no order as to costs.

13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

Sabyasachi Bhattacharyya, J.