

12 18.04.2024
rkd Ct.15

W.P.A. 7289 of 2021

Sri Biswajit Nandy & Anr.

-vs-

Chandernagore Municipal corporation & Ors.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh

....for the petitioners.

Mr. Gaurav Dutta

....for the CMC.

Affidavit-of-service filed on behalf of the petitioners is taken on record. In spite of service of notice upon the respondent no.5 the said respondent is not represented today.

In the writ petition petitioner has questioned the trade licence wherein name of the respondent no.5 has been inserted in place of Bholanath Modak on the basis of making an application before the concerned authority of Chandernagore Municipal Corporation. According to the petitioner for obtaining trade licence from the Municipality rent bill and consent letter from the landlord are required.

It has been submitted on behalf of the petitioners that the respondent no.5 is not the tenant of the premises in question. Therefore, in place and stead of Bholanath Modak who has died name of the respondent no.5 cannot be inserted

being the recipient of the trade licence.

Chandernagore Municipal Corporation is represented by learned advocate who submits that the issue can be revisited in the event necessary direction is made upon the Mayor, Chandernagore Municipal Corporation.

Accordingly, the writ petition stands disposed of directing the Mayor, Chandernagore Municipal Corporation being the respondent no.2 to decide the validity of the trade licence of the respondent no.5 taking note of the fact as it has been submitted on behalf of the petitioners that said respondent no.5 is not the tenant of the premises in question neither any consent letter has been issued in favour of the respondent no.5 by the petitioners being the landlord.

The Mayor of the Corporation is directed to decide the issue by passing a reasoned order within a period of twelve weeks from the date of communication of this order after granting opportunity of hearing to the petitioners and the respondent no.5 or their representatives.

At the time of deliberations the parties shall be at liberty to rely upon the relevant materials before the Mayor.

The decision to be taken by the Mayor shall

be communicated to the parties within one week thereafter.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)