

July 3, 2024
Sl. No.7
Court No.9
s.biswas

WPA 10694 of 2023

Asit Ghosh
vs.
The State of West Bengal and others

Mr. Sayantan Adhya
Mr. Sandip Ray

... for the petitioner

Mr. Shamim Ul Bari

... for the State

Mr. Tirthankar Dhali

... for the respondent no.10 (landlord)

1. Affidavit of service is taken on record. Despite service, none appears on behalf of the respondent nos.11 and 12.
2. The petitioner as also the respondent no.10 jointly urge before this court that the respondent nos.11 and 12 have been running a business from the premises in question and they are dealing in pesticides without proper licence and/or compliances. The petitioner and the respondent Nos.11 and 12 are tenants.
3. It is also a fact that an eviction suit is pending against the respondent Nos.11 and 12. The petitioner prays before this court to pass necessary orders restraining the respondent nos.11 and 12 from carrying on the business.
4. The writ court cannot pass mandatory directions unless the appropriate authority comes to a conclusion that the business which is being run by the respondent nos.11 and 12, is without proper licence and without the compliance

required either by the Insecticides Act, 1968 or any other applicable law.

5. Under such circumstances, as the petitioner complains of offence under Section 29 of the Insecticides Act, 1968, the petitioner is at liberty to approach the respondent no.3 with his objection. If such objection is raised, the competent authority shall dispose of the same, upon hearing the petitioner, the respondent no.10 as also the respondent nos.11 and 12. This order shall not have any impact on the suit.
6. The writ petition stands disposed of accordingly. This order shall not prejudice the pending suit.
7. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)