

27.06.2024
Item No.4
PG/KS
Ct. No.1

W.P.A.(P) 221 of 2024
Nitin Biswas & Ors.
Versus
The State of West Bengal & Ors.

Mr. Debabrata Karan
Mr. Sankhasuvra Roy
Mr. Debopriyo Karan
Mr. Souvik Naiya
.....for the Petitioners

Mr. Anirban Ray, Ld. GP
Mr. Tanoy Chakraborty
Mr. Debraj Sahu
.....for the State

Mr. Krishnendu Sarkar
Ms. Meghla Das
.....for the respondent No.7

1. The petitioners by way of filing this public interest litigation allege that a liquor shop is located within the 300 meters of a primary school and it is prohibited under the Rules.
2. Earlier, the licensee had approached this Court by filing a writ petition, which was disposed of by the learned Single Bench to finalize the show-cause notice, which was issued by the learned Additional District Magistrate (G) & Collector of Excise, Nadia.
3. Pursuant to the order, the said authority has considered the matter and passed an order on 11th March, 2024 laying down certain conditions, which are to be complied with by the licensee.

4. Now, the petitioners have come forward with this writ petition stating that despite their representation to the authorities, more particularly, the representation from the Teacher-in-Charge of the primary school, no action has been taken to close down the liquor shop, which according to the petitioners, is located in contravention to the Rules.
5. Since, the matter is still pending consideration before the authorities, we direct the respondent no.5 to consider the representation given by the petitioners as well as the mass petition, conduct an inspection of the area and examine as to whether there is any violation of the Rules. This exercise should be completed after issuing notice to the licensee viz. the respondent no.7.
6. Learned advocate for the respondent no.7 submitted that the liquor shop in question is in the very same location since 1945 and the agitation alleged to have been done by the villagers is selective since, no objection was raised when another liquor shop was opened at about two kilometers from the school.
7. All these aspects shall be considered by the respondent no.5. The petitioners are directed to appear in the office of the respondent no.5, produce copies of the representation along with the copy of this order, after which the respondent no.5 shall issue notice to the respondent no.7, conduct an inspection and pass

appropriate orders on merits and in accordance with law.

8. This direction shall be complied with within a period of eight weeks from the date on which the representation is submitted to the respondent no.5 in terms of the above directions.
9. With the above directions, writ petition stands disposed of.
10. No costs.
11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNANAM)
CHIEF JUSTICE**

(HIRANMAY BHATTACHARYYA, J.)