

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 09.09.2024

DELIVERED ON: 09.09.2024

CORAM:

**THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 1604 of 2024

With

I.A. No. CAN 1 of 2024

Dilip Saha

Vs.

The State of West Bengal & Ors.

Appearance:-

Mr. Argha Banerjee

Mr. Amal Kumar Roy

.....for the appellant

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

.....for the State

Mr. Supriyo Chattopadhyay, Ld. A.G.P.

Ms. Sayantanee Bhattacharjee

.....for the respondent nos.3 & 4

Mr. Jyoti Prakash Chatterjee

.....for the respondent no.12/writ petitioner

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. Affidavit of service filed in Court be taken on record.
2. This intra-Court appeal by the unsuccessful writ petitioner is directed against the order dated 16th July, 2024 in W.P.A. No.8988 of 2023. The appellant's father was allotted a shop room by way of collection of toll by the Regulated Market Committee. The appellant's father expired and the appellant now insists that the allotment should be transferred in his individual name.
3. The Regulated Market Committee, though would have been justified in resorting to public auction, agreed to the request, subject to production of No

Objection Certificate from the legal heirs of the appellant's father viz. his brother, mother and sisters.

4. The No objection certificate has not been produced since the other siblings are not agreed to the said request. With this grievance, the appellant filed the writ petition. The learned Writ Court rightly dismissed the writ petition.
5. The appellant places reliance on an agreement entered into between himself, his brother and sisters. This agreement is not binding on the Regulated Market Committee.
6. The learned advocate for the appellant would contend that till date, the appellant is paying the amount payable to the Regulated Market Committee and relied upon a receipt dated 31st July, 2024. As is evident from the said receipt, it is in the name of Mangal Saha, who is the appellant's father. Therefore, based on such receipt, the appellant cannot claim any individual right over the concerned shop room.
7. Therefore, the appellant has not made out any ground to interfere with the impugned order.
8. Hence, the appeal fails and the connected application is dismissed.
9. No costs.
10. 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

I agree.

(HIRANMAY BHATTACHARYYA, J.)