

12.11.2025
Sl No.A578
Ct. No.15
S.A.

WPA 2835 of 2025

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CAN 1 of 2025

Nibedita Hazra

-vs-

The State of West Bengal & Ors.

Mr. Arun Kumar Maiti (Mohanty)

Mr. Fazlul Rahman

Ms. Kaberi Sengupta Mohanty

Mr. R. R. Mohanty

Ms. Snigdha Ghosh

Ms. Rajorna Mazumder

... for the petitioner

Mr. Amal Kumar Sen

Mr. Lal Mohan Basu

...for the State

Ms. Sharmila Deb

...for respondent nos.10 to 12

Let the affidavit of service filed by the petitioner be kept with the records.

One Ranjan Das was the original tenant under the petitioner in respect of a premises situated at Village Jayrambati, Kelomal, Tamruk, Purba Medinipur. It is not in dispute that the said Ranjan Das used to carry on a garment business from the said tenanted premises. Ranjan Das passed away in September 2020.

The petitioner, claiming to be the present landlord, submits that after the demise of Ranjan Das, the garment business was discontinued. However, about three years after his death, respondent nos. 8 and 9 resumed the business afresh, allegedly without obtaining any valid licence from the

Panchayat Authority. Respondent no. 8 is his son and respondent no. 9 is his son-in-law.

Learned advocate appearing for the petitioner further submits that a Coordinate Bench of this Court, in WPA 12292 of 2024 with WPA 23852 of 2024, by an order dated November 26, 2024, directed respondent no. 8 to make an appropriate application for obtaining the requisite licence. It is alleged that respondent no. 8, in terms of the said order dated November 26, 2024, has continued to carry on the business without a valid licence.

Respondent nos. 8 and 9 are not represented.

Having regard to the facts and circumstances of the case, I am not inclined to entertain this writ petition.

The fact remains that the tenanted portion of the building has been used for commercial purposes, and the same nature of business is being continued by respondent nos. 8 and 9. Whether respondent nos. 8 and 9 possess a valid licence or not cannot be an issue that entitles the petitioner to invoke the writ jurisdiction of this Court to compel them to obtain a licence. If the premises in question is being used in an unauthorised manner, the petitioner's remedy lies in instituting a civil suit for eviction in accordance with law. The petitioner, however, as a landlord, has no locus to challenge the continuance of the business

merely on the ground that the respondent nos.8 and 9 are allegedly operating without a valid licence.

Accordingly, **WPA 2835 of 2025**, along with **CAN 1 of 2025**, stands disposed of.

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

(Kausik Chanda, J.)