

M/L 223
14.05.2025
Court No.14
PRADIP

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 4933 of 2025

**Biplob Ghosh
Vs.
The State of West Bengal & Ors.**

*Mr. Krishnendu Sarkar
Ms. Meghla Das*

...for the Petitioner.

*Mr. Tanoy Chakraborty
Mr. Saptak Sanyal*

...for the State.

1. Affidavit of service and the supplementary affidavit filed in Court today are taken on record.
2. The petitioner is aggrieved by the order dated 26th June, 2024 passed by the Superintendant of Excise, North 24 Parganas (Rural) Excise District & Joint Commissioner of Revenue directing the petitioner to temporarily close the shop running under the name and style of Tasken Restaurant-cum-Bar in view of law and order problem in the locality until further order.
3. The petitioner has also been advised to apply for shifting of the licensed premises to any other suitable objection free site as per extant rules.
4. The petitioner filed a representation before the Additional District Magistrate (G) & Collector of Excise, North 24 Parganas in February, 2025 and the same is alleged to be kept pending.
5. The petitioner submits that the Superintendant of Excise does not have the authority to issue any order under Section 26(1) of the Bengal Excise Act, 1909.

6. It has been submitted that license was issued in favour of the petitioner after the detailed project report was duly considered by the authority. The petitioner ran the business without any obstruction for nearly five and half months.
7. Prayer has been made to direct consideration of the representation filed by the petitioner in February, 2025.
8. Learned advocate representing the authority submits that, the representation of the petitioner was duly considered by the Superintendant of Excise and vide communicating memo dated 5th March, 2025 the petitioner has been intimated that the period of temporary closure has been extended for a further period of six months.
9. On a perusal of the order of the Superintendant of Excise dated 5th March, 2025 it appears that the same mentions that if the law and order situation does not improve during the aforesaid period of six months, then the license may be suspended/withdrawn.
10. Learned advocate for the petitioner stresses on the fact that the law and order situation of the area has improved and prayer has been made to direct the authority to revisit the issue of temporary closure.
11. To afford one opportunity to the petitioner to impress upon the authority that there will not be any law and order issue if the petitioner is permitted to run the business, the matter is remanded back to the Additional District Magistrate (G) & Collector of Excise, North 24 Parganas being the respondent no. 2 herein to take a decision in the matter afresh after conducting a thorough enquiry as to whether there is a requirement of

continuing with the order of temporary closure of the shop.

12. If it appears that the law and order problem will not recur, then necessary consequential steps may be taken by the authority.

13. It will be open for the petitioner to rely upon all documents in support of the submission that there will be no law and order issue in the locality.

14. The writ petition stands disposed of.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)