

2306
2025

MONDAY

Court : 07
Item : DL-03
Bench : SINGLE
Matter : WPA
Status : OP
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8523 OF 2022

RABI ROY
VS.

THE STATE OF WEST BENGAL & ORS.

MR. SAYANTAN BASU, SR. ADVOCATE
MR. TANMOY ROY, ADVOCATE

.....for the Petitioner

MR. ANIRBAN ROY, LD. GOVT. PLEADER
MR. TANOY CHAKRABORTY, ADVOCATE
MR. R. MUKHERJEE, ADVOCATE

.....for the State

1. The present writ petition is filed challenging the legality of the order dated 29.03.2022 passed by the District Magistrate and Collector, Hooghly, in deference to the order dated 16.02.2022 passed by a Coordinate Bench of this Court in WPA 19592 of 2021.
2. Mr. Basu, learned Senior Advocate representing the petitioner, submits that the petitioner is operating a Hotel-cum-Restaurant-cum-Bar at Mouza Ghanshyampur, PS. Singur, Dist. Hooghly. He made an application to the competent authority seeking permission to introduce professional entertainment, including dance, music, etc., in his Bar. Since no effective decision was taken despite receipt of the application, the petitioner was compelled to prefer a writ petition being WPA 19592 of 2021, which was disposed of by a Coordinate Bench of this Court directing the District Collector, Hooghly, to take a suitable decision in the matter after considering all relevant factors, including the applicable rules, local laws, and other circumstances, within the time specified therein.
3. As noticed previously, in compliance with the said order, the District Collector took up the matter.

However, by the order under challenge in this writ petition, the petitioner's prayer was turned down. A bare perusal of the order shows that the District Collector called for a report from the Police Authority. However, no clear report was placed before him. Despite this, he rejected the petitioner's prayer.

4. This event prompted the petitioner to approach this Court with the present writ-petition.
5. In the course of hearing, Mr. Chakraborty, learned advocate representing the State, submits that the matter may be remanded back to the District Collector to call for a clear report from the Police Authority and to take a final decision on the petitioner's application.
6. In view of such submission and the stand of the State, the order dated 29.03.2022 is set aside.
7. The District Magistrate & Collector, Hooghly, is directed to consider the matter afresh and take an appropriate decision on the petitioner's prayer for holding professional entertainment, including dance, music, etc., in his Bar, after obtaining the necessary report from the Police Authority and addressing all relevant issues that may arise if such permission is granted to the petitioner.
8. It is clarified that such decision must be taken after affording the petitioner an opportunity of hearing, within a period of eight weeks from the date of receipt of a copy of this order.
9. However, this order shall not create any equity in favour of the petitioner.
10. With these observations and direction, **WPA 8523 of 2022 is disposed of.**

(PARTHA SARATHI CHATTERJEE, J.)

