

06-08-2025
Item No.194 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.13330 of 2025

Narayan Chandra Dhar

-vs-

The State of West Bengal & Ors.

Mr. Pradip Kumar Kundu

Mr. Kingsuk Mondal ...for the petitioner

Mr. Biswabrata Basu Mallick, AGP

Mr. Biman Halder

Mr. Sayak Chakraborty ...for the State

Ms. Sudipa Banerjee ...for the private respondents

1. The petitioner alleges that the private respondents are running a kitchen industry from the residential premises which is occupied both by the petitioner and the private respondents who are the co-owners of the subject property.
2. The allegation is that the private respondents are running the business without obtaining proper licence/fire safety certificate/pollution under control certificate and other permits from the competent authority.
3. Objection was filed before the New Barrackpore Municipality and also before the District Magistrate, North 24 Parganas. It is alleged that there is no response from the end of the authorities.
4. Learned counsel for the private respondents submits that all necessary permissions have been obtained from the competent authority for running a cloud kitchen at the subject place.

Copy of the permanent certificate of enlistment issued by the New Barrackpore Municipality dated October 31, 2024 for carrying on business of restaurant or eating house or selling of food items and a permanent certificate of enlistment dated May 15, 2025 for running catering service, a licence by the Food Safety and Standards Authority of India issued on June 4, 2025 have been placed before this Court.

5. Learned counsel for the State relies upon the instructions forwarded by the Officer-in-Charge of New Barrackpore police station signed on June 24, 2025 wherefrom it appears that, on inspection, the private respondents were unable to produce the pollution control clearance certificate or licence. The police have taken steps under Section 280 BNS on June 23, 2025.
6. As it appears that the complaint lodged by the petitioner before the Chairman of New Barrackpore Municipality is pending consideration, accordingly, the instant writ petition is disposed of by directing the Chairman of the municipality to take steps for consideration of the complaint filed by the petitioner in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and dispose of the same by passing a reasoned order. A spot inspection shall be conducted to ascertain as to whether the private respondents are running the business after compliance of all necessary formalities.
7. If it appears that business is being run contrary to the provisions of law, then necessary consequential steps shall be taken.

8. Steps shall be taken in the matter at the earliest but positively within twelve weeks from the date of communication of this order.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]