

20.05.2025

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Ct.No.7
sdas

WPA 19506 of 2022

Sri Bidhan Chandra Jana
Vs.
The S.D.O. Tamluk & Ors.

Sk. Anwar Ali
....for the petitioner

Mr. Santanu Kumar Mitra, Sr. Govt. Adv.
Mr. Subhabrata Das
..... for the State

Written instruction as produced by Mr. Mitra, learned Senior Government Advocate, is taken on record.

Liberty is granted to the petitioner to amend the cause title and implead the Sub-Registrar, Tamluk Sub-Division, for the purpose of the Bengal Money-Lenders' Act, 1940 (hereinafter referred to as 'the Act of 1940'), as a party respondent in this proceeding.

The present writ petition has been filed alleging inaction on the part of the Sub-Divisional Officer, Tamluk, Purba Medinipur, in considering the petitioner's application for the grant of a licence under the Bengal Money-Lenders' Act, 1940.

The petitioner, an inhabitant of Tamluk Sub-Division in the District of Purba Medinipur, intends to operate a money-lending business within his locality. For that purpose, he approached the Sub-Divisional Officer, Tamluk, Purba Medinipur, seeking the grant of a licence to enable him

to carry on such business. However, despite receiving the petitioner's application, the Sub-Divisional Officer failed to take any effective steps, thereby prompting the petitioner to approach this Court by preferring the present writ petition.

In the course of hearing, Mr. Mitra, learned Senior Government Advocate appearing for the State respondents, draws my attention to the provisions of Section 6 of the Bengal Money-Lenders' Act, 1940 (hereinafter referred to as 'the Act of 1940'), and submits that the Sub-Divisional Officer, Tamluk, Purba Medinipur, is not the appropriate authority to grant such a licence. Rather, the legislature has conferred the power to issue such licences upon the Registrar and Sub-Registrar of the concerned locality

Heard the learned advocates representing the respective parties and perused the materials on record.

Admittedly, Section 6 of the Act of 1940 specifies that there shall be a State Registrar for the purpose of this Act and as many Registrars and Sub-Registrars of money-lenders for assisting the State Registrar as the State Government may from time to time determine. However, no person who is servant of the Government shall be entitled to act as State Registrar, Registrar and Sub-Registrar.

The provision of Section 11 of the 1940 Act may shed a light on the issue and therefore, it would be apt to quote the provision of Section 11 of the Act, which reads as follows :

“11. Application for licences. – An application for the grant of a licence shall be made in the prescribed form and manner to the Sub-Registrar within the local limits of whose

jurisdiction the money-lender has a place of money-lending business and shall contain such particulars as may be prescribed.”

Therefore, taking note of the legal provisions and considering the submissions made by the learned advocates representing the respective parties, the writ petition is disposed of with liberty granted to the petitioner to make an application in the prescribed form and manner as outlined in Section 11 of the Bengal Money-Lenders’ Act, 1940, before the Sub-Registrar, Tamluk Sub-Division, appointed for the purpose of this Act. In the event that such an application is received by the concerned Sub-Registrar, an appropriate decision shall be taken thereon. If the Sub-Registrar finds merit in the petitioner’s application, the subsequent necessary actions shall be taken, which may include the grant of a money-lending licence. However, if the Sub-Registrar finds that the application lacks merit, a reasoned order shall be passed and communicated to the petitioner.

Entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

With these observations and directions, the writ petition is, thus, disposed of.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)