

01-07-2025
Item No.615 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.19869 of 2024

Somen Dey

-vs-

The State of West Bengal & Ors.

Ms. Rinku Sen
Mr. Sagnik Bhattacharya
Ms. Raksar Parveen ...for the petitioner

Mr. Asish Kumar Guha
Mr. Jayak Kumar Gupta ...for the State

Mr. Amit Meharia
Mr. Tannishta Singh
Ms. Parmita Banerjee
Mr. Sayan Dey ...for respondents no.4, 5 & 7

Ms. Tanushree Dasgupta ...for the Corporation

1. The petitioner alleges illegal running of business by the private respondent without obtaining proper permission/licence from the fire and emergency services and the pollution control board.
2. The petitioner submits that the private respondent is manufacturing food items from the subject premises which are causing threat to his health.
3. None represents the pollution control board.
4. Learned counsel for the Kolkata Municipal Corporation relies upon the instruction forwarded by the Food Safety Officer of the Kolkata Municipal Corporation, Borough-VIII dated July 30, 2024 wherefrom it appears that the subject unit was found non-functional on the day of the inspection on July 10, 2024.

5. The private respondent was present at the premises but could not submit any FSSAI registration certificate/licence in support of the business. A refrain notice was issued to the private respondent on July 10, 2024. Further inspections were carried out on July 15, 2024 and July 19, 2024 when the business was found to be non-functional.
6. As it appears that the Corporation has already taken steps in the matter and issued a refrain notice to the private respondent, let the private respondent not operate the business till proper licences from all authorities are obtained.
7. The Officer-in-Charge of Rabindra Sarabor police station is directed to keep strict vigil in the subject area so that the private respondent does not in any way commence the business contrary to the provisions of law.
8. The writ petition is disposed of.
9. Report filed by the Officer-in-Charge of Rabindra Sarabor police station signed on August 8, 2024 be retained with the record.
10. The unserved writ petition addressed to the private respondent is opened from the envelope and returned to the advocate-on-record for the petitioner. The envelope however will remain in the records.
11. A copy of the report of the Food and Safety Officer has been handed over to the learned counsel for the petitioner.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

