

06.11.2025
Item No.14
Ct. No.1
Saikat
Mukherjee

WPA(P)/390/2025

**SHIPRA DAS AND ORS.
VS.
STATE OF WEST BENGAL AND ORS.**

Mr. Sukanta Chakrabarty, Adv.
Ms. Benajir Hasna, Adv.
Mr. Aliul Islam, Adv.
Mr. Sadid Haider, Adv.

...For the Petitioners

Mr. Swapan Kr. Dutta, G.P.
Mr. Nilotpal Chatterjee, Adv. (Through V.C.)
Mr. Sudhadeb Adak, Adv.
Mr. Shibasish Banerjee, Adv.

...For the State Respondent

Per, Partha Sarathi Sen, J.:-

1. In this writ petition which is in the nature of a Public Interest Litigation, the writ petitioners are aggrieved on account of non-consideration of their several representations including the representation dated 1st August, 2025, a copy of which is annexed at Page-160 to 180 of the instant writ petition. At the time of hearing Mr. Chakrabarty appearing for the petitioner at the outset took us to Clause 8 of the Notification dated 29th July, 2003, as has been gazetted on 30th July, 2003.
2. It is submitted on behalf of the writ petitioners that Clause-8 of the said notification postulates that no licence for the retail sale of liquor or any other intoxicant at a new site shall be granted where the new

site is situated in the vicinity of an educational institution recognised by the State Government or the Central Government or college, etc.

3. It is submitted further that the explanation (i) of the said clause further postulates that the 'vicinity' means a distance of one thousand feet measuring from the midpoint of the school/college building to the midpoint of new site. It is submitted on behalf of the petitioner that the respondent authorities, more specifically Respondent No.3 authority for the reason best known to him overlooked the said restriction and granted a new licence in favour of the Private Respondent Nos.12 to 15 for running a retail liquor shop which is situated in the close vicinity of two educational institutions as well as of public worship. It is also submitted that such illegality and/or irregularity was brought to the notice of the Respondent No.3 authority by way of representation as quoted hereinabove but in vain.
4. It is thus submitted on behalf of the writ petitioners that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
5. Mr. Chatterjee, learned advocate appearing in favour of the Respondent-State in his usual fairness submits before this Court that the Respondent No.3 may be directed to consider the representation dated 1st August, 2025, in accordance with law. Mr. Chatterjee however, contends that the licence in favour of the private

respondents has been issued in accordance with law after complying with all the formalities which is, however, disputed by Mr. Chakrabarty, learned advocate for the writ petitioners.

6. After careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing of the instant writ petition directs that the Respondent No.3 authority to consider the representation dated 1st August, 2025, as submitted by the writ petitioners in accordance with law and after giving due chance of hearing both to the writ petitioners and the private respondents and/or their authorized representatives, shall pass a reasoned order and shall forthwith communicate the same both to the writ petitioners and the private respondents preferably by e-mail, if the e-mail details of the writ petitioners and the private respondents are provided to him at the time of hearing.
7. The entire exercise as indicated hereinabove is to be completed by the Respondent No.3 authority within 30 working days from the date of communication of the server copy of this order.
8. Liberty is given to the advocate-on-record for the writ petitioners to communicate the server copy of this order to the Respondent No.3 authority and the Respondent No.3 authority is directed to act on the server copy of this order.

9. The time limit as fixed by this Court is peremptory and mandatory.

10. Before parting with, it is made clear, since affidavits have not been called for, allegations made in the instant writ petition are deemed to have been denied.

11. It is further made clear, while disposing of the instant writ petition this Court has not made any final opinion and/or expressed any view in connection with the instant writ petition.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all necessary formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)