

01
07.02.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 24829 of 2024

**Abhijit Acharyya
-versus
The State of West Bengal & Ors.**

**Mr. Billwadal Bhattacharyya, Sr. Adv.
Ms. Aishwarya Bajaj,
Mr. Tamoghnu Pramanick.
...For the Petitioner.**

**Mr. Debasgshu Dinda.
...For the State.**

**Mr. Biswanath Chatterjee,
Mr. Sobhan Pathak.
...For the Respondent No.7.**

1. Pursuant to an advertisement published by the Hindustan Petroleum Corporation Limited (HPCL) for appointment of regular/rural retail outlet (Petrol Pump Dealership), the petitioner applied for the same and emerged successful.

2. For execution of a contract, the petitioner is required to obtain a 'No Objection Certificate' from the district authority. The same has not yet been granted in favour of the petitioner.

3. The petitioner prays for a direction upon the authority for issuance of the 'No Objection Certificate'.

4. From the report filed by the representative of the District Magistrate, Paschim Bardhaman, it appears that the 'No Objection Certificate' has not been issued because the report from the police authority was not found satisfactory.

5. The affidavit on behalf of the District Magistrate in paragraph 4 clearly mentions that the

verification report received from other authorities were found to be in order but the police report was not.

6. Paragraph 7 of the report mentions that the character and motive of the petitioner was not found bona fide. Eleven pending criminal cases were found against the petitioner, which according to the District Magistrate shall be a threat to the locals, if no objection is granted.

7. Paragraph 6 of the said report mentions that a social worker viz. Mr. Pawan Singit along with some other persons have raised objection against the setting up of the petrol pump in question by the writ petitioner on the ground of anticipating prejudice to the best interest of the health, safety and well being of the local residents.

8. It appears that formal decision either to allow or refuse issuance of 'No Objection Certificate' has not yet been passed or communicated to the petitioner.

9. Learned advocate appearing on behalf of HPCL submits that the 'No Objection Certificate' is required from the district authority only with regard to the land in question where the petrol pump is proposed to be set up. There is no requirement of verification of the character antecedence of the petitioner. The verification or enquiry is restricted only with regard to the documents in connection with the subject land.

10. It has been submitted that the construction work will be carried out by HPCL through the petitioner.

11. The Asansol Municipal Corporation already issued 'No Objection Certificate' for setting up of the retail outlet way back in September 2024.

12. As per the terms and conditions of the tender document, the applicant should not have been convicted in any criminal offence involving moral

turpitude/economic offences (other than freedom struggle).

13. From the report filed on behalf of the District Magistrate, there is nothing on record to suggest that the writ petitioner has been convicted in any criminal offence.

14. It has been submitted by the learned advocate appearing on behalf of the petitioner that as the petitioner belongs to the political party in opposition, accordingly, the District Magistrate is deliberately withholding issuance of the 'No Objection Certificate'.

15. Upon hearing of the parties and upon perusal of the materials on record, it appears that the District Magistrate has completely misdirected himself in understanding the requirement of issuance of the 'No Objection Certificate' in favour of the petitioner.

16. The District Magistrate is not required to verify the character antecedence of the petitioner. That is not the requirement of HPCL either. HPCL only requires verification of the documents in respect of the land in question and not the applicant in question.

17. The objection allegedly raised by the social worker does not have any manner of application at the time of issuance of the 'No Objection Certificate'.

18. There may be several criminal cases pending against an applicant. Requirement of HPCL is that the applicant should not be convicted on criminal charges. That is not the case at hand.

19. The District Magistrate has found that all other reports are in favour of the petitioner but the police report is not.

20. The District Magistrate is, accordingly, directed to verify documents with regard to the subject land where the petitioner intends to set up the retail outlet. That apart, there is no requirement of verifying

the character and/or criminal antecedence of the petitioner.

21. The District Magistrate shall take steps in the light of the observations made hereinabove with regard to issuance of the 'No Objection Certificate' at the earliest but positively within a period of three weeks from the date of communication of this order.

22. The writ petition stands disposed of.

23. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)