

07.11.2025
rc/ct.no.26
Item No.04

WPA No. 24421 of 2025
Dr. Rabin Barman
Versus
The State of West Bengal & Ors.

Mr. Sattwik Bhattacharyya
Mr. Aashutosh Bhattacharyya
Mr. Rohit Basak ..for the Petitioner

Mrs. Deboleena Ghosh ... for the State

Mr. Sourav Chatterjee
... for the Respondent Nos. 6 to 12

Mr. Meghajit Mukherjee
Ms. Mobina Ali ... for the Respondent No. 13

Mr. Sandip Ghosh
Mr. Sudarsan Ray
Mr. Debayan Ghosh
Mr. Diptarka Mojumder
Mr. N. Mukherjee
Meghajit Mukherjee ... for the Municipality

Affidavit of service and supplementary affidavit filed
by the petitioner are taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is a homeopathy practitioner and runs his chamber in two of the three garages purchased by him. A title suit is pending between the petitioner and the private respondents and the municipality alleging illegal construction made by the petitioner. An order of demolition passed therein has been stayed. The petitioner alleges that the private respondents have put a padlock to the gate of his chamber, thereby restricting him from continuing with his practice. The petitioner seeks a

direction upon the police to open the padlock so that the petitioner is able to continue his practice.

Opposing the prayer, learned counsel for the municipality submits that the petitioner has converted the garages to chamber in violation of the West Bengal Municipal Act, 1993. Also, he obtained trade licence for his profession on line which was not subsequently regularized. Upon having knowledge of the same, the municipality has revoked the licence against which the petitioner has approached this Court in a writ petition which is pending. The revocation has not been stayed. Therefore the petitioner is not in possession of the trade licence at the moment to continue with his profession/business.

Learned counsel for the 13th respondent submits that this respondent is not aware as to why the news channel has been roped in since the allegation against the channel is that it has recorded/videographed certain incidents outside the chamber of the petitioner. The petitioner has stated in the application that he seeks to take appropriate steps against the channel.

Learned counsel for the private respondents speaks in tune with the submission made on behalf of the other respondents. Learned counsel submits that no padlock was put by the private respondents to the gate of the petitioner's chamber.

I have considered the rival submission of the parties.

It is not in dispute that a civil suit is pending and order of demolition made by the municipality has been stayed in the Municipality Appeal. The petitioner's trade licence has been revoked by the municipality and it is a fact that the petitioner does not possess a trade licence at the moment to continue with his business. Though the learned counsel for the petitioner submits that no trade licence is required for running a homeopathy chamber, the issue of trade licence being sub judice before coordinate Bench of this Court, this Court does not wish to record any opinion in respect of the same.

Be that as it may, since several disputes are pending by and between the parties with regard to the chambers in question and also since the private respondents deny having put any padlock to the gate of the chambers, the issue shall be decided by the appropriate forum. This Court is informed that the complaint lodged by the petitioner with regard to the alleged putting of padlock and causing disturbance in smooth running of the chambers of the petitioner has been registered as an FIR and investigation is in progress. However, the police authority is directed to maintain strict vigil in the area so that no untoward incident takes place and peace and tranquility is maintained.

With the above observations and directions, this writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh,J)