

Item No.18
28.02.2025
Court. No. 36
GB

CPAN 2015 of 2024
In
WPA 22224 of 2024

Smt. Chandana Saha
VS
Smt. Mukta Aray, the District Magistrate & Collector,
Hooghly (Excise Department)

With

RVW 333 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2024

The State of West Bengal & Ors.
VS
Smt. Chandana Saha & Ors.

Mr. Tanmoy Mukherjee,
Mr. Kajal Ray,
Mr. Suman Nandi

...for the Applicant.

Mr. Sudip Sarkar

...for the Respondent No.8
In the writ petition.

Mr. Anirban Ray
Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly

...for the State.

The order dated February 21, 2025, passed by the District Magistrate, Hooghly has been placed before this Court. The District Magistrate, Hooghly has justified the reasons as to why a provisional/temporary licence was given to the widow of the deceased licence holder.

Mr. Mukherjee, learned advocate for the applicant submits that the Court had directed that the issue of grant of licence in respect of the foreign liquor shop should have been

decided by the authority, but the authority avoided such direction by intentionally misinterpreting the direction of the Court.

I find from the order that, the District Magistrate, Hooghly gave a justification as to why the temporary licence was given to the widow who was one of the first class heir. The grounds are that she had a 11 month old son and did not have any income, whereas the applicant's husband was earning a salary and had agricultural property.

Admittedly, the writ petition was filed by the applicant praying for grant of temporary licence of M/s. Amit Saha FL Shop and a mandamus restraining the authority from giving an exclusive licence to the widow of the deceased. The District Magistrate, Hooghly has passed the order, inter alia, stating that no permanent licence had been granted and the stopgap arrangement was done only to allow the widow to feed herself and her child. The rules permitting grant of temporary licence was discussed.

Now, the applicant prays that this Court must direct that the matter should be finally decided by the authority upon holding who would be the correct transferee of the licence according to law.

In my view, such prayer cannot be allowed in a contempt proceeding. The contempt proceeding is restricted to violation of an order passed by a Court. The standard of proof is beyond reasonable doubt. It is a quasi criminal proceeding. The writ petition was with regard to grant of temporary license. The court directed the authority to treat

the writ petition as a representation, and pass a reasoned order.

Under such circumstances, it is difficult for this Court to hold that the order passed by the authority is an intentional and flagrant violation of the order of the Court. The issues which have been put forward by Mr. Mukherjee with regard to the violation of law, the rules and the errors in the conclusion arrived at by the authority, are open to challenge in an appropriate forum. The petitioner is also at liberty to pray for issuance of licence as per law be for the proper authority.

Accordingly, the contempt application is disposed of. Contempt proceedings are dropped.

The review application being RVW 333 of 2024 and the connected applications which has been filed by the State authorities accordingly stand disposed.

(Shampa Sarkar, J.)