

10.04.2025
Item No.71
Court No.551
Avijit Mitra

WPA 29100 of 2024

Binoy Kumar Saha
- Versus -
The State of West Bengal & ors.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder
...for the petitioner
Mr. Saptak Chakraborty,
...for the State respondents

The writ petitioner complains that a license that existed in the name of the petitioner's mother, has been sought to be illegally transferred in the name of the private respondent i.e. respondent No.5 in the writ petition.

The learned advocate appearing for the respondents hands up a copy of the order dated July 19, 2024 passed by the Additional District Magistrate (G) and Collector of Excise, Birbhum whereby the license standing in the name of Smt. Santibala Saha has been transferred in the name of the respondent no.5. It has been demonstrated before the Court that the writ petitioner was also present during the proceeding which concluded with the order of transfer dated July 19, 2024 being passed. The instruction submitted by the learned advocate appearing for the State is taken on record.

The factum of the petitioner having participated in the said proceeding for transfer of license has not been averred in the writ petition.

The writ petition therefore suffers from suppression of such fact and should be dismissed on such score alone. Furthermore, the writ petition has been filed on December 03, 2024 much after the order dated July 19, 2024 having been passed by which time the statutory remedy would stand barred. The writ petitioner submits that the aforesaid order of transfer was never communicated to him. The learned advocate for the State is requested to hand over a copy of the order to the petitioner within a week.

In view of the abovementioned factual scenario, the writ petition being WPA 29100 of 2024 is dismissed with the observation that the writ petitioner would be free to challenge the said order, in accordance with law. However, this observation should not be read to mean condonation of delay occasioned by the petitioner in challenging the said order in case it is demonstrated that the writ petitioner had notice of the aforesaid order dated July 19, 2024 or had received the said order earlier.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Om Narayan Rai, J.)