

21.11.2025
Item No.9
Court No.1
CHC

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

M.A.T. 45 of 2025
IA NO: CAN/1/2025
in
WPA 1317 of 2024

Nes Hasimara of Chhekamari (Rangalibazna)
Vs.
The State of West Bengal & ors.

Mr. Kunaljit Bhattacharya, Advocate
Mr. Satyam Sarkar, Advocate
Mr. Alok Sah, Advocate
...for the appellant

Mr. Subir Kumar Saha, Ld. A.G.P.
Mr. Kumar Shantanu, Advocate
...for the State

Mr. Bikramaditya Ghosh, Advocate
...for the BPCL

Mr. Deborshi Dhar, Advocate
...for the respondent no.7

1. Appeal is directed against the order dated April 29, 2025 passed in WPA 1317 of 2024.
2. By the impugned order, learned Single Judge, declined to entertain a writ petition assailing an order of rejection of the District Magistrate.
3. Respondent no.7 granted lease of 4 plots of land to a particular entity. Assets and liabilities of such entity was taken over by Bharat Petroleum Corporation Limited (BPCL). Lease between the respondent no.7 and BPCL relates to running a petrol pump.

4. BPCL granted licence to the appellant to run a petrol pump on the same plots.
5. Appellant applied for renewal of the motor spirit, high spirit diesel licence for running a petrol pump at the same land. Sanctioning authority is the District Magistrate.
6. Initially, the sanctioning authority refused to grant such sanction. A writ petition was filed being WPA 750 of 2022 which was disposed of by requiring sanctioning authority to consider the issue.
7. By an order dated July 6, 2022, the sanctioning authority refused to grant renewal on the grounds of no objection from land owner, absence of rent receipt and absence of a valid trade enlistment certificate.
8. Writ petition assailing such order was dismissed by the impugned order.
9. During the pendency of the appeal, District Magistrate directed the concerned Block Land and Land Reforms Officer to invoke the provisions of Section 4(4) of the Land Reforms Act, 1956, in view of the fact that, there was no application for conversion of land.
10. Today, learned advocate for the respondent no.7 submits on the basis of written instruction that, the respondent no.7 will apply for conversion of land with the BL & LRO and that,

the respondent no.7 does not object to the appellant, running petrol pump and obtaining a requisite licence from the District Magistrate.

11. In such circumstances, the impugned order passed by the learned Single Judge is set aside.
12. Concerned District Magistrate is requested to revisit the application for grant of renewal of the licence in view of the development noted in this order.
13. District Magistrate will take a decision, after affording an opportunity of hearing to the relevant parties. He will communicate his order, preferably within four weeks from the date of communication of the order to him.
14. M.A.T. 45 of 2025 along with connected application is disposed of without any order as to costs.
15. Needless to say that, all issues raised by the parties shall kept open.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)