

D/L 49
29.04.2025
Court No.02
PRADIP

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 1317 of 2024

Nes Hasimara
Vs.
State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Debanjan Das
Mr. Sounak Mondal
Mr. Abhirup Halder

... for the Petitioner.

Mr. Subir Kumar Saha, Ld. AGP
Mr. Kumar Shantanu

...for the State.

Mr. Bikramaditya Ghosh

...for the BPCL.

1. The petitioner is aggrieved by the act of the State respondents in not renewing the trade license.
2. It appears that the trade license has been refused to be renewed on the ground that the petitioner does not have any ownership or any right to carry on trade from the subject plot of land.
3. Learned advocate representing the petitioner submits that business was being carried on from the said land way back from 2006. There is an agreement between the petitioner and the oil company for carrying on trade.
4. Learned advocate representing the oil company submits that, the company is no way related with the subject plot of land. The petitioner offered the land to the company for carrying on trade and, accordingly, mere license has been issued. The oil company is no way responsible for obtaining any permission on behalf of the petitioner for carrying on the business.

5. Learned advocate representing the State respondents submits that, the petitioner does not have any right to carry on trade from the subject plot of land and, accordingly, the trade license cannot be renewed.
6. Upon hearing the submissions made on behalf of all the parties it appears that, there is a dispute with regard to the right of the petitioner to carry on trade from the subject plot of land. No document has been annexed to the writ petition from where the right of the petitioner qua the subject land can be ascertained.
7. It will be open for the petitioner to take appropriate steps in respect of the subject plot of land in accordance with law, if so advised.
8. It will also be open for the petitioner to sue the oil company for violation of any of the contractual obligations, if so advised.
9. The writ petition stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)