

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 3642 of 2026

**M/s. S.S. Medicate & Ors.
Versus
State of West Bengal & Ors.**

For the petitioners	:	Ms. Manali Biswas Ms. Ina Bhattacharyya Ms. Mithu Singha Mahapatra Mr. Mrinal Saha
For the State	:	Mr. Kanak Kiran Bandyopadhyay
For the respondent no.7	:	Mr. Probal Kr. Mukherjee, Sr. Adv Mr. Swarnava Ray
Heard on	:	27.03.2026
Judgment on	:	27.03.2026

Raja Basu Chowdhury, J (Oral):

1. The present petition has been filed, inter alia, challenging the notice/order dated 25th September, 2025 issued by the Chairman, Berhampore Municipality whereby the petitioners trade license bearing No. 9801 dated 02-05-2025 for running a polyclinic business under the name and style of S.S. Medicate has been cancelled with immediate effect.
2. It is a petitioners case that the petitioner no.1 is a partnership firm and the petitioner nos. 2 to 5 are the partners. The respondent

no.7, the private respondent is a lawful owner in respect of 500 sq.ft. on the ground floor and 3000 sq.ft. of carpet area on the first floor of the premises being holding no. 92/4, Pilkhana Road, Ward No. 17 within Berhampore Municipality which is a four storied building (hereinafter referred to as the "said premises"). According to the petitioners, the respondent no. 7 had executed a lease agreement dated 17th November, 2023 in favour of the petitioner no.1 whereby the said respondent had leased out the ground floor and the first floor portion of the said building with separate stair case as per the schedule more fully appearing in the lease of deed which has been annexed to the petition, for and at a consideration of Rs. 3,00,000/- payable monthly on the 7th day of the next English Calendar month.

3. According to the petitioners disputes and differences having arisen and since, the respondent no. 7 was attempting to unlawfully and forcibly evict the petitioners therefrom, a civil suit being Other Suit No. 49 of 2025 was filed before the learned Civil Judge, Junior Division, 1st Court, Berhampore on 28th March, 2025, inter alia, praying for a declaration of tenancy right as well as for permanent injunction.

4. By an order dated 28th May, 2025 the learned Court has restrained the respondent no. 7 who is a defendant in such suit from dispossessing the plaintiffs i.e., the petitioners herein from the suit property without due course of law till disposal of the suit.

5. The learned Advocate for the petitioners by drawing attention of this Court to the order dated 27th October, 2025 passed by a Co-ordinate Bench of this Court in W.P.A. 22485 of 2025 would submit that since, the private respondent had illegally disconnected the petitioners supply of electricity to the aforesaid premises, the petitioners were constrained to approach this Court whereupon by the aforesaid order, the West Bengal State Electricity Distribution Company Limited was directed upon compliance of due formalities either to transfer the existing meter in the name of the petitioners or to provide a new electricity connection. According to the learned Advocate for the petitioners a new electricity connection has been provided to the petitioners and the petitioners are carrying on business from the ground floor and first floor portion of the aforesaid premises.

6. Incidentally, though the petitioners have a valid trade license for running the business operations, by an order dated 25th September, 2025 which was communicated by notice dated 21st January, 2026, the same has been cancelled without giving any notice or opportunity of hearing to the petitioners that to, on the basis of an objection filed by the respondent no. 7. It is this order and the notice which are under challenge. The petitioners claim that they were completely unaware with regard to the aforesaid order and were only made aware by the notice dated 21st January, 2026.

7. Mr. Mukherjee, learned Senior Advocate appears for the respondent no. 7. He points out that since the petitioners do not have appropriate license for running the business operations the municipality on the basis of the objection filed by the private respondent has cancelled the trade license. According to him without having appropriate license and/or permission from appropriate authority the petitioners cannot be permitted to carry on with the business operations of running a polyclinic under the name and style of S.S. Medicate.

8. The learned Advocate for the State would however, by drawing attention of this Court to the order dated 25th September, 2025 appearing at Page 48 of the petition would submit that by the aforesaid order the petitioners trade license was in fact cancelled and the petitioners had only recently approached this Court.

9. Having heard the learned Counsel appearing for the respective parties and though the municipality is not represented despite service, however, having regard to the peculiar facts noted hereinabove, this Court has taken up the matter for hearing.

10. Upon going through the materials on record and the submissions as aforesaid it is apparent and clear that the petitioners are occupants in respect of the ground floor and the first floor portion of the said premise. Though the validity of the lease deed dated 17th November, 2023 is subject matter of challenge in a civil suit filed between the petitioners on one hand and the respondent no. 7 on the other and as

such this Court does not make any observations as regards the same, this Court, however, finds that there is a subsisting order of injunction restraining the respondent no.7 from dispossessing the petitioners without due process of law.

11. Mr. Mukherjee, learned Senior Advocate representing the respondent no. 7 on instructions in response to the query of this Court submits that no steps have been taken till date to seek eviction of the petitioners.

12. I, however, notice that as submitted by the petitioners in the instant case that the order of cancellation of trade license has been notified to the petitioners only on 21st January, 2026. The same appears to have been issued without giving any opportunity of hearing to the petitioners as is apparent from the order dated 25th September, 2025. The order was also not communicated immediately at least none would contradict the same.

13. I also notice that the Municipality had passed the order based on a written objection filed by the respondent no. 7 dated 3rd March, 2025. Incidentally the petitioners have also not been favoured with such objection. It is also not clear whether any proceedings were initiated before cancellation of the trade licence, at least the petitioners had no intimation in respect thereof. Having regard thereto I am of the view that the aforesaid order dated 25th September, 2025 which violates the principles of natural justice cannot be sustained. The same along with the communication dated 21st January, 2026 are

set aside, leaving it open to the Municipality to take such steps as may be advised upon giving due opportunity of hearing to the parties concerned. It is made clear if the municipality seeks to rely on any document, the same must be supplied to the parties.

14. Accordingly, WPA 3642 of 2026 stands disposed of.

15. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)

**Rohit
A.R. (Court)**