

19.03.2026
Item No.43
Ct. No.01
RP

WPA(P) 96 OF 2026
Khokan Halder
VS
The State of West Bengal & Ors.

Mr. Sourav Mandal
Mr. Rony Mondal
Mr. Arijit Bhuiya
Mr. Debarghyo Sil
...For Petitioner

Mr. Atarup Banerjee
Mr. Bapin Baidya
Mr. Rajdeep Pramanik
Ms. Simika Roy
..For Respondent Nos.10 and 11

Mr. Jahar Lal De, AGP
Mr. Shamim ul Bari
..For State

Dictated by PARTHA SARATHI SEN, J.:

1. The petitioner, the respondent/State and its instrumentalities and the private respondents are represented by their respective learned counsels.
2. By filing this instant writ petition the petitioner prayed for issuance of appropriate writ and/or writs against the respondent authorities, more specifically, against the respondent no.5 authority commanding them

to cancel the Excise License as has been granted in favour of the private respondent nos.10 and 11 for running their FL off-shop situated at Kashinagar, Post Office-Kashinagar, Police Station-Raidighi, District-South 24 Parganas.

3. At the time of hearing learned advocate appearing on behalf of the writ petitioner submits before this Court that it is specific case of the petitioner that the respondent no.5 authority without adhering to the provisions of Clause 8 of the West Bengal Excise (Selection of New Sites and Grant of License for Retail Sale of Liquor and Certain other Intoxicants) Rules, 2003 has issued the aforementioned license to the private respondents within a radius of 60 meters of two educational institutions, the particulars of which have also been mentioned in the instant writ petition. It is, thus, submitted that appropriate writ and/or writs be granted in favour of the writ petitioner.

4. Mr. De, learned AGP appearing on behalf of the respondent/State in his usual fairness submits before this Court that the respondent no.5 authority may be directed to consider the representation of the writ petitioner in accordance with law as well as in terms of the aforementioned provision.
5. Learned advocate appearing on behalf of the private respondent nos.10 and 11, however, submits that no infraction of rule occurred in granting FL off-shop license to the respondent nos.10 and 11.
6. Considering the entire materials as placed before us and after hearing the learned advocate for the contending parties, we while disposing the instant writ petition direct the Collector, Excise Department, South 24 Parganas, Government of West Bengal to consider a copy of the instant writ petition as a representation of the writ petitioner. We further direct the Collector, Excise Department, South 24 Parganas, Government of West Bengal to give a chance of hearing

both the writ petitioner and the private respondent nos.10 and 11 and/or their authorized representatives and thereafter shall pass a reasoned order over the representation of the writ petitioner in terms of the prevailing rules. The entire exercise as indicated hereinabove shall have to be completed within 45 working days from the date of communication of the server copy of this order alongwith a copy of the instant writ petition together with all annexures.

7. Liberty is given to the learned Advocate-on-record for the writ petitioner to communicate the server copy of the order to the respondent no.5 authority.
8. It is further made clear that in the event while passing the reasoned order the Collector, Excise Department, South 24 Parganas, Government of West Bengal finds sufficient merit in the representation of the writ petitioner he is directed to take all consequential action forthwith.

9. The time limit as fixed by this Court is peremptory and mandatory.
10. It is made clear that while disposing of the instant writ petition we have not gone into the merits of the instant writ petition and, thus, all points are kept open for adjudication by the respondent authority.
11. With the aforementioned observations and direction this writ petition is disposed of.
12. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]