

30.03.2026
Item No.26
Ct. No. 1
RP

W.P.A. (P) 112 of 2026
Gopalpur's Villagers Represented by Pradip Mondal &
Anr.
Vs.
State of West Bengal & Ors.

Mr. Debabrata Sardar
Mr. Sandipan Pal
.....For Petitioners
Ms. Ipsita Ghosh
.....For Respondent No.7

Mr. Swapan Kumar Dutta, Ld. GP
Mr. Jahar Lal De, Ld. AGP
Mr. Nilotpal Chatterjee
.....For State

DICTATED BY PARTHA SARATHI SEN, J.:

1. Parties are represented through their respective learned counsel.
2. By filing the instant writ petition the petitioners pray for issuance of writ or writs against the respondent authorities, more specifically, against the respondent no.2 authority commanding him to take appropriate steps restraining the private respondent herein from carrying on the business of country liquor shop at the front side of Gopalpur village, near to main road of Mama-Bhagnatala Bus stoppage under

Gopalpur Police Station, District-Howrah.

3. Drawing attention to paragraph 11 of the instant writ petition it is argued on behalf of the petitioners that near to the said country liquor shop there exists one ICDS school, one primary school apart from temple and mosque which are situated within 50 meters from the said liquor shop. It is argued on behalf of the petitioners that the licensing authority while granting license to the private respondent has not followed the provisions of Rule 8 of the West Bengal Excise (Selection of New Sites and Grant of License for Retail Sale of Spirit and Certain other Intoxicants) Rules, 1993 (hereinafter referred to as the said "Rules of 1993"). It is further submitted that despite submission of representation by the local people on 25.02.2026, no action has been initiated. Such contention is, however,

opposed by the learned advocate for the private respondent. It is submitted that the private respondent is carrying on his business of country liquor shop after obtaining valid licence.

4. Mr. Chatterjee, learned advocate for the State in his usual fairness submits before this Court that the respondent no.2 authority may be directed to consider the representation of the petitioners dated 25.02.2026 in accordance with law.

5. In view of submission made hereinabove and after going through the entire matter placed before us, we consider it appropriate to direct the respondent no.2 authority to consider the representation of the writ petitioners as submitted on 25.02.2026 in accordance with law and after giving due opportunity of hearing both to the writ petitioners and the private respondent and/or their authorized

representative shall pass a reasoned order and shall forthwith communicate the same to the parties concerned. The entire exercise as indicated hereinabove shall have to be completed by the respondent no.2 authority within 90 working days from today.

6. Liberty is given to the learned advocate for the writ petitioners to communicate the server copy of this order to the respondent no.2 authority, who is directed to act upon the same.
7. With the aforementioned observations and without expressing any opinion on merit, this instant writ petition is disposed of.
8. 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, C.J.)

(PARTHA SARATHI SEN, J.)