

27.04.2026
Item No.25
Ct. No. 1
RP

WPA(P) 184 of 2026

**Abul Kalam
VS.
The State of West Bengal & Ors.**

Mr. Nirmalya Biswas
Ms. Indrani Mukherjee
..For Petitioner
Mr. Suddhasatva Banerjee
Mr. Indranil Chandra
Mr. Souvik Sarkar
..For Respondent No.4
Mr. Jahar Lal De, AGP
Ms. Sukla Das Chandra
..For State

Dictated by SUJOY PAUL, CJ.:-

1. Parties are represented through their respective learned counsel.

2. The petitioner has prayed for following relief.

“a) A writ of and/or and in the nature of Mandamus commanding the respondent no.3 to consider the objection raised by the petitioner against grant of licence, in favour of the private respondent and disposing the same in accordance with law;

b)An appropriate direction upon the respondent authorities, to cancel/rescind such licence if such objection raised by the petitioner is found to be genuine;

c)An appropriate direction upon the respondent authorities to transmit all records, papers and documents, pertaining to the steps in the matter of grant of licence, so that conscionable justice may be done by quashing the same;

c)An interim order of injunction, directing the respondent authorities to suspend operation of licence granted in favour of the private respondent till the objections raised by your petitioner is disposed of in accordance with law;

d) Rule in terms of prayers (a) to (c) above;

d) Ad interim order in terms of prayer (d);

e) Rule in terms of prayers (a), (b) and (c);

f) Rule be made absolute;

g) Any other order/orders, as Your Lordships may deem fit and proper;"

3) If the relief clause is read in juxtaposition to paragraph 3 of the writ petition it will be clear that the writ petitioner was fully aware while filing the writ petition/PIL that licence has already been issued to the private respondent. Thus, the relief claimed by the writ petitioner is inadequate and inappropriate. Petitioner ought to have challenged grant of licence in an appropriate proceeding. Despite repeated query from the Bench the learned counsel for the petitioner has not asked for an opportunity to amend the prayer clause. Instead, he placed reliance on Rule 10 of the West Bengal Excise (Selection of Person for Grant of Licence at New Sites for Retail Sale of

Intoxicants) Rules, 2004 and submits that against the grant of licence petitioner has a remedy.

4) Considering the aforesaid, we are not inclined to entertain this petition and deem it proper to dispose it by reserving liberty to the petitioner to raise objection against issuance of licence if law so permits before appropriate authority. In that case the appropriate authority shall consider and decide it in accordance with law expeditiously preferably within 90 days from the date of production of a copy of such order.

5) It goes without saying that if the authority entertains the said application, it shall hear the party in whose favour licence was issued before taking any final decision in accordance with law.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)