

Item No.28
09.01.2026
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2752 of 2025

Purnendu Sen & Ors.
VS
The State of West Bengal & Ors.

Mr. Avimannu Das

...for the Petitioners.

*Ms. Bedashuri Bose,
Mr. Sandip Guha Roy*

...for the State.

*Mr. Nabankur Paul,
Ms. Sutapa Sen Paul*

...for the Respondent Nos.6 to 8.

1. The other allegations of the petitioner in this writ petition are not entertained. There appears to be a dispute with the tenants who are occupying the shop rooms on the basis of the tenancy agreements from the vendor of the petitioners (previous owner of the shops). There is a specific allegation that the shops are running without obtaining trade permission from the Lower Bagdogra Gram Panchayat.
2. In my view, this issue must be looked into by competent authority of the Lower Bagdogra Gram Panchayat and the said authority will ascertain whether the shops which are being operated by the respondent nos.6 to 8 have valid trade permission

or not. A hearing shall be given to all the parties and a reasoned order shall be passed.

3. Needless to mention, steps shall be taken in accordance with law, if it appears that the shops are being run without statutory compliances, namely, without obtaining a valid permission or without renewing the erstwhile trade permission. The entire exercise shall be completed within six weeks from date of communication of the order.
4. The police authorities have filed a report which indicates that pursuant to the complaint of the petitioners with regard to the obstruction created by the respondent nos.6 to 8, an enquiry was made and it was found that the dispute between the parties was civil in nature. However, to maintain peace and tranquility, a prosecution under Section 126 of BNSS was submitted against the said respondents. The police is also keeping a sharp vigil over the area. The said vigil shall continue in order to prevent any untoward incident.
5. Accordingly, the writ petition is disposed of.
6. As no affidavits have been called for, the factual allegations are not deemed to be admitted.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)