

22
rkd 25.03.2026
Ct.05

W.P.A. 6577 of 2026

Tapan Ganguly

-vs-

The State of West Bengal & Ors.

Mr. Subhrajyoti Ghosh,
Mr. Biswajeet Samanto

....for the petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Mrinal Kanti Biswas

....for the State.

Mr. Abhrajit Roy Chowdhury,
Mr. Dibyayam Banerjee

....for the respondent nos.6 & 7.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is submitted on behalf of the petitioner that though respondent no.7 is tenant in the premises in question owned by the petitioner but respondent no.6 being the son of respondent no.7 is running a sweetmeat shop without proper licence issued by the concerned authority of Kolkata Municipal Corporation.
3. It is further submitted that respondent no.6 is not authorized to run the business at the premises of the petitioner where respondentno.7 is tenant.
4. State respondents and respondent nos.6 & 7 are represented by learned advocates who have opposed this writ petition and it is submitted that if petitioner has grievance relating to right of user so far respondent no.6 is concerned as tenancy right is granted to respondent no.7 in that event

petitioner is required to approach the civil court in pursuit of remedy.

5. It is found that as Title Suit being no. 74 of 2026 was instituted by the petitioner and as such petitioner needs to approach the civil court for getting relief.
6. There is another aspect as it emanates from the submission of the petitioner that trade licence was issued illegally by the concerned authority of Kolkata Municipal Corporation in favour of respondent no.7 instead of respondent no.6.
7. Leave is also granted to the petitioner to approach the concerned authority of Kolkata Municipal Corporation questioning the trade licence, if it is granted in favour of respondent no.7.
8. At this stage police authority is not authorized to decide the right of respondent no.6 to run the business at the premises of the petitioner being the son of the tenant.
9. Hence, Court is not inclined to interfere with this writ petition.
10. The writ petition stands dismissed.
11. However, this order shall not preclude the petitioner to take steps in accordance with law.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)

