

19.12.2025
(D/L-16)
Ct. No.25
(B.K.N.)

W.P.A. 11502 of 2025
With
CAN 1 of 2025
Md. Hasmat Ali & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Arindam Banerjee, Sr. Adv.,
Mr. Subhojit Saha

... for the Petitioners

Mr. Nilotpal Chatterjee,
Mr. Amritlal Chatterjee

... for the State

1. The petitioners has filed the present application challenging the order passed by the Assistant Director & Cattle Licensing Authority dated 24.04.2025. The matter was taken up for hearing on 18th September, 2025. This Court has directed the respondents to file affidavit-in-opposition by 21st November, 2025 and rely, if any, within a fortnight. Thereafter this Court has also given liberty to the petitioners to apply before the authority for interim protection to carry on their business. In the event the application is filed, the authority is directed to consider the application of the petitioners.
2. As per the liberty granted by this Court, the petitioners have made prayer before the concerned authority. The concerned Authority by an order dated 2nd December, 2025 has rejected the claim of the petitioners holding that “therefore, after considering the above aspects and

going strictly by the West Bengal Cattle Licensing Act, 1959 and the West Bengal Cattle Licensing Rules 1985 and as there is no provision of issuing Provisional License in the act of 1959 and also as the land where petitioners were rehabilitated is required to be vacated for other projects of the government, the application of the petitioners for interim reliefs is hereby considered and rejected”.

3. Today when the matter is called it is submitted by the learned counsel for the petitioners that though the authorities have rejected the request to the petitioners but the respondents have also not filed the affidavit-in-opposition in terms of the order dated 8th September, 2025.
4. Learned counsel for the petitioner submits that though the authority has rejected the request of the petitioner for interim relief and if at this stage an interim relief is not granted, during pendency of the case, there is every chance that the respondents will evict the petitioners from the land in question.
5. Learned counsel for the petitioners further submits that by an order dated 18th September, 2025 though this Court has not passed any order but liberty has given to the petitioners to pray for interim order if any occasion arises. He submits that after the impugned order dated 02.12.2025 the petitioner has a cause of action to renew the prayer for interim relief.

6. Learned counsel for the respondents submits that the request made by the petitioners was considered by the authorities with all aspect as well as the law and find that the petitioners are not entitled to get an interim order. Accordingly, the request of the petitioners was rejected.
7. Consider the submissions made by the counsel for the respective parties this Court finds that by an order dated 02.12.2025 the authorities have rejected the request of the petitioners on the ground that there is no provision for issuance of provisional licence in the Act of 1959 and the order itself reveals that the respondent authorities are intending to evict the petitioners and to allot the said land for other projects.
8. Considering the above this Court is of the view that in the present writ application the petitioners have prayed for grant of licence and at the end if this Court finds that the petitioners are entitled to get the licence and in the meantime the petitioners are evicted from the property in question it is very difficult for the petitioners to start the cattle business in the premises in question.
9. Accordingly, this Court finds that the petitioners have made out a *prima facie* case. The parties are directed to maintain *status quo* with regard to the nature, character and possession of the land till the disposal of the writ application.

10. **CAN 1 of 2025** is thus disposed of.
11. The counsel for the respondents prays for extension of time for filing affidavit-in-opposition. Let affidavit-in-opposition be filed by one week after winter vacation. Reply, if any, thereto be filed within a week thereafter.
12. List this matter on **28th January, 2026** at **2.00 p.m.** under the heading “Specially Fixed Matters”.
13. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Krishna Rao, J.)