

08-08-2023
Court No.2
Sh/87.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 704 of 2023

Mr. Kuntal Chatterjee,
Mr. Avrojoyti Das,
Mr. Rajdeep Das,
Ms. P. Dutta Chowdhury.
..For the Petitioner.

Mr. Subir Kumar Saha, AGP
Ms. Bedashruti Bose.
.. For the State.

Mr. Raja Saha,
Mr. Subham Chanda.
For the SJDA,
Mr. Deborshi Dhar.
For the Siliguri Municipal Corpn.

Affidavit of service filed today in Court be taken on record.

None appears for the private respondent despite service.

It is contended on behalf of the petitioner that the business establishment under the name and style of M/s. Hemlata Bhawn is a hotel and a deed of partnership was entered into in respect of the said business by four persons including the predecessor in interest of the petitioner. Subsequently, the original partners expired and two legal heirs of one of the partners reconstituted the partnership firm suppressing the fact of death of the predecessor in interest of the petitioner and leaving out the petitioner from the firm. The said legal heirs being the private respondents herein, obtained a certificate of enlistment from the Municipality upon suppression of

material facts and upon the said fact being revealed the certificate was cancelled by the authority.

One of the legal heirs came before this Court against such cancellation in a writ petition and this Court directed the authority to reconsider the order of cancellation. The decision is still pending despite which the private respondents have been continuing with the business without having any enlistment certificate or any other relevant document for that matter.

A statement of facts submitted on behalf of the State respondents demonstrates that admittedly Hemlata Guest House and lodge are being run without any documentary evidence in respect of running of the business.

The State respondents are directed to submit a report in the form of an affidavit indicating the steps taken by them against the private respondents for continuing the business in question without any certificate of enlistment or any other document which is necessary for running the business.

Learned counsel for the State respondent seeks accommodation to submit such report.

The matter be placed before the next available Circuit Bench.

(Suvra Ghosh, J.)