

Aroop Kumar Mukherjee Vs. the Director General, W. B Fire

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Court : Kolkata

Decided On : Jul-05-2012

Judge : Dipankar Datta

Appellant : Aroop Kumar Mukherjee

Respondent : The Director General, W. B Fire

Judgement :

ORDER

SHEET WP No.498 of 2012 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE AROOP KUMAR MUKHERJEE Versus THE DIRECTOR GENERAL, W.

B FIRE & EMERGENCY SERVICES & ORS.BEFORE : The Hon'ble JUSTICE
DIPANKAR DATTA

Date: July 5, 2012

Mr.Jishnu Chowdhury, Adv.with Ms.Noelle Dey, Adv..for the petitioner Mr.Kishore Dutta, Adv..for the State Mr.Achintya Banerjee, Adv.with Mr.Swapan Kumar Mondal, Adv..for the KMC Leave is granted to the learned advocate-on-record for the petitioner to implead Joint Commissioner of Police (Headquarters).Lalbazar, Kolkata as additional respondent.

Cause title of the writ petition should be suitably amended here and now.

Having heard learned advocates appearing for the parties and regard being had to the nature of grievance expressed in the writ petition, I find no reason to keep it pending.

It appears that the petitioners applications for fire licence and police licence dated 1st June, 2012 have not been considered and disposed of, as a result whereof the Corporation is also not in a position to issue trade licence in his favour.

The writ petition stands disposed of with a direction upon the Director General, respondent no.1 to consider the prayer of the petitioner for issuance of fire licence as early as possible but not later than two weeks from date of receipt of a copy of this order together with a copy of the writ petition.

In the event the petitioners prayer for fire licence is allowed and such licence is issued, the added respondent shall consider the petitioners prayer for police licence within a week from date of intimation to him that fire licence has been issued.

If fire and police licences are issued in favour of the petitioner, he shall be at liberty to approach the Corporation for grant of trade licence.

The application in this respect dated 19th June, 2012 shall be considered and disposed of by the competent authority within a week from date of such approach.

Since it is submitted by Mr.Banerjee, learned advocate for the Corporation that an application in prescribed form is required, the petitioner shall be at liberty to make such an application.

It is made clear that the respective authorities shall consider the prayers of the petitioner in accordance with law.

In the event any of the authorities proposes to decline the prayer of the petitioner, he shall give an opportunity of hearing to the petitioner.

It is also made clear that rejection order, if any, must be supported with reasons.

Even if the petitioner is issued the fire and police licences, he shall not be entitled to run the restaurant business till such time the Corporation issues trade licence in his favour.

Urgent certified photocopies of this order be made available to the parties, if applied for, upon compliance with all requisite formalities.

(Dipankar Datta, J.

) AKGoswami

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