08.10.2026
Court No. 12
Item No.12
Cp

MAT 1722 of 2026
With
CAN 1 of 2026

Roysuddin Mondal
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy, Sr. Advocate
Mr. Pingal Bhattacharyya
Ms. Oindrilla Sarkar
...for the appellant.

Mr. Prosenjit Mukherjee
Mr. Ashok Banerjee
Mr. Raja Ray
...for the respondent nos. 8 & 9.

1. We have considered the rival contentions of the parties.
2. A licence had been issued for carrying on a hat from Plot Nos. 10356, 10357 and 10358, in the name of Manohar Mondal, Saifuddin Mondal, Nasiruddin Mondal and Lalchand Mondal by the Nabagram Panchayat Samiti sometime in 1984 i.e. 1391 BS.
3. The said licence stood renewed upto 2009-2010.
4. Upon demise of Monohar Mondal and Saifuddin Mondal the appellant applied for grant of licence in his name and it appears that 2023 onwards, the licence was issued in the name of the appellant under Form 5A (Licence for Holding Hat or

Market). Such licence continued to be issued in the name of the appellant upto January 21, 2026. Again on May 27, 2026, licence to operate the hat in respect of the same plots was issued in the name of the erstwhile licensees for the year 2026-2027.

5. The appellant challenged the said licence before a learned Single Judge by filing a writ petition. The appellant's contention was that the licence dated May 27, 2026 was issued in the name of two dead persons. The said licence was a joint one and was invalid in the eye of law.

6. It was further submitted that Nasiruddin Mondal and Lalchand Mondal did not participate in the business after 2009-2010 and, as such, their names did not figure in any of the subsequent licences which were issued by the Nabagram Panchayat Samiti.

7. The persons in whose names the impugned licence was issued, submitted before the learned single Judge that the appellant was not the sole owner of the land. The licence granted to the appellant was a mere renewal of the earlier licence. The earlier licence continued to exist in the name of the persons who were alive, namely, Nasiruddin Mondal and Lalchand Mondal.

8. We find that, Her Lordship directed affidavits to be filed but did not pass any interim order. The appellant is aggrieved because Her Lordship did not pass any interim order. First and foremost the license is invalid, in the eye of law as the licence has been issued in the joint names of four persons, out of which two are dead.

9. Although, Mr. Mukherjee, learned advocate for the respondent nos. 8 & 9, submits that the said licence was issued upon applications being filed by the persons mentioned therein, it is undisputed that Manohar Mondal and Saifuddin Mondal are dead. Whereas, the application which has been provided to us and which was allegedly allowed by the panchayat samiti indicates that the applicants were Manohar Mondal, Saifuddin Mondal, Nasiruddin Mondal and Lalchand Mondal. On behalf of Monohar Mondal, Kalimuddin Mondal applied. The question which is relevant here is whether Kalimuddin Mondal could apply on behalf of Manohar Mondal who was already dead. Such application was filed on July 14, 2026. Whereas, prior to that on May 27, 2026, the impugned licence was issued in the name of four persons out of which two were dead.

10. Under such circumstances, we find adequate reasons to, prima facie, hold that the licence

issued on May 27, 2026 was irregular and the same cannot be used to run the hat. The operation of licence dated May 27, 2026 shall remain stayed till the disposal of the writ petition. Affidavits to the writ petition shall be filed by all parties, especially the panchayat samiti which is required to explain its actions. The reason behind issuing the license in the name of the appellant/writ petitioner and, thereafter in the name of four persons, namely, Manohar Mondal, Saifuddin Mondal, Nasiruddin Mondal and Lalchand Mondal, when Manohar Mondal and Saifuddin Mondal were already dead, must be explained. The application filed by those persons should be furnished before the court. As Her Lordship had already directed affidavits to be filed, let the matter appear on the reopening day after the Puja Vacation before the appropriate bench.

11. This order is only restricted to the licence dated May 27, 2026, issued in the name of Manohar Mondal, Saifuddin Mondal, Nasiruddin Mondal and Lalchand Mondal in respect Plot Nos. 10356, 10357 and 10358 of Mouza – Panch Gram, J.L. No.23, which we have discussed hereinabove. As the appellant does not have a license, he will also not operate the hat.

12. Accordingly, the appeal and the connected application are disposed of.

13. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)