

Item No.151

15.12.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 8541 of 2021
Pradip Kumar Roy

v.

The State of West Bengal & Ors.

Mr. Srijib Chakraborty
Mr. Suvasish Chakraborty
Mr. Biswajit Sarkar
Mr. Amit Choudhury
... for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal
... for the State.

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that the FPS dealer Rajkumar Roy expired leaving behind as many as seven legal heirs. The respondent authorities issued the licence on compassionate ground in favour of one of the sons of the deceased dealer without obtaining the consent or no-objection from the other heirs.

The learned advocate representing the State respondents has filed affidavit-in-opposition wherein a document dated April 6, 2021 is annexed. The document dated April 6, 2021 is a notice issued by the Sub-Divisional Controller (F & S), Berhampore (Sadar) to all the legal heirs of late Rajkumar Roy the deceased FPS

dealer directing the parties to appear for a hearing on April 13, 2021.

The learned advocate for the petitioner submits that his client was present at the hearing but the party was not allowed to make any submission.

It has been submitted by both the parties that the fate of the hearing has not yet been made known to the parties.

As it appears that the authority i.e. the Sub-Divisional Controller already called for a hearing but no final order has been passed and there is an allegation by the petitioner that the Sub-Divisional Controller did not permit the parties to make submission at the time of hearing, accordingly, the instant writ petition is disposed of by directing the Sub-Divisional Controller (F & S), Berhampore (Sadar) to take fresh hearing after giving prior notice to all the heirs. The hearing shall be conducted at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

All the parties shall be permitted to make submission and rely upon documents in their favour. The Sub-Divisional Controller after hearing all the parties and upon perusal of the documents shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the parties and all points are left open to be decided by the Sub-Divisional Controller after hearing the parties.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)