

04
25.08.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 11313 of 2021
(Via Video Conference)**

**Ashutosh Mahato
-versus
State of West Bengal & Ors.**

**Mr. Rudranil De.
...For the Petitioner.**

**Mr. Amal Kumar Sen, Ld. AGP,
Mr. Susovan Sengupta,
Mr. Subir Pal.
...For the State.**

One Mohan Lal Mahato was a licensee under the West Bengal Public Distribution System (Maintenance & Control) Order, 2013. He expired on 23rd April, 2021. After his death, there is a tussle between the sons of the deceased.

According to the Control Order, 2013, in case of vacancy arising out of death of an existing dealer, such vacancy shall not initially be notified. Prayer of any of the family members of the deceased having no regular means of subsistence will be considered with preference on compassionate ground provided such prayer along with formal application in form 'C' along with Annexure-I with requisite fee is submitted within 60 days from the occurrence of such vacancy. In case there are more than one heirs a no-objection certificate from the other heirs is to be submitted.

In view of the tussle between the sons, the said 'No Objection Certificate' has not been filed till date.

The learned advocate appearing for the petitioner submits that talks for settlements are going on between the brothers.

In view of the aforesaid submission, the instant writ petition is disposed of by directing the Sub-Divisional Controller, Food & Supplies, Purulia being the respondent No.4 herein to give at least three months time to the warring brothers to come up with an agreement for settlement.

In the event such an agreement in the form of 'No Objection Certificate' is submitted by any of the heirs of the deceased, then necessary steps shall be taken by the aforesaid respondent to proceed with the same in accordance with law.

In the event the said 'No Objection Certificate' cannot be filed within the time as specified hereinabove, the Sub-Divisional Controller shall proceed to declare the vacancy in the said area.

W.P.A. 11313 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)