

16.07.2021
SL No. 17
Court No. 24
(P.M.)

WPA 11423 of 2021

**Smt. Bishakha Mahato & Ors.
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Washef Ali Mondal,
Mr. Syed Nazmul Hossain
... for the petitioners

Mr. Md. T.M. Siddiqui
... for the State

Mr. Susovan Sengupta
Ms. Supriya Dubey
... for Food & Supplies department.

The petitioner No. 1 is a dealer of a Fair Price Shop. She is presently 87 years of age. The petitioner intends to incorporate the names of her son and daughter-in-law as partners in the said Fair Price Shop.

The petitioner relies upon a notification No. 3034 dated 14th December, 2020 published in the Kolkata Gazette (Extraordinary) on December 16, 2020 wherein the provision for converting the sole proprietorship business into a partnership firm for the reason of physical incapacitation has been allowed.

The petitioners made representation before the Sub Divisional Controller (Food & Supplies), Jhalda by a letter dated 18th January, 2021 and alleges that the same has not been considered by the respondent authority till date.

As it appears that the prayer sought for by the petitioners is permissible in terms of the amended law published in the Kolkata Gazette on 16th December, 2020, accordingly, the Court thinks it fit to direct the respondent No. 6 being the Sub Divisional Controller (Food & Supplies), Jhalda to consider the application made by the petitioners, strictly in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 18th January, 2021 along with copy of the Kolkata Gazette (Extraordinary) dated 16th December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition 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.)