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07.09.2021.
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 12248 of 2021
(Via Video Conference)**

**Minati Biswas
-versus
State of West Bengal & Ors.**

**Ms. Santi Das.
...For the Petitioner.**

**Mr. Amal Kumar Sen,
Mr, Jahar Datta.
...For the State.**

The petitioner is a married daughter of one Padma Rani Sadhukhan who was the owner and licensee of an MR Shop. The MR Shop was initially a proprietorship shop converted to partnership firm with three partners, viz. Padma Rani Sadhukhan, Krishna Sadhukhan and Smt. Minati Biswas the petitioner herein.

The aforesaid Padma Rani Sadhukhan and Krishna Sadhukhan expired. Smt. Krishna Sadhukhan was a spinster at the time of her death. Smt. Padma Rani Sadhukhan expired leaving behind one son viz. Sanjoy Sadhukhan and three daughters Arati Paul, China Garai and the petitioner herein.

After the death of her mother, the petitioner applied for grant of license on compassionate ground. The Sub-Divisional Controller, Food & Supplies, Kalyani, Nadia by an order dated 11th November, 2019

directed the petitioner to supply the following documents:-

1. Duly filled application form
2. Affidavit as per Annexure of Form-C
3. Declaration of non-employment
4. Document regarding possessional right over shop cum go-down
5. Medical Fitness Certificate
6. Certificate of legal heirs and
7. 'No Objection' from other family members.

According to the petitioner, all the documents mentioned in serial nos. 1 to 6 above have been submitted by her before the respondent authority but the 'No Objection Certificate' from the other family members could not be obtained.

The petitioner states that her brother that is the son of the deceased licensee Sanjay Sadhukhan has a regular source of income and he is not interested to continue with the business. The other two legal heirs that is Arati Paul and China Gorai are married and they are living happily with their husband. They are also not interested in the business.

The husband of the petitioner is a handicapped person who does not have any regular source of income. According to the petitioner, she was solely dependent on the earnings that were available from the ration shop.

The son Sanjoy Sadhukhan and the daughters Arati Paul and China Gorai have been impleaded as respondents in the instant writ application. Service of the writ petition has been made upon them but they

have chosen not to appear and contest the writ petition.

In action on the part of the private respondents in entering appearance to defend their case leads to the only conclusion that they are not interested to continue with the business at present. The petitioner is, however, dependent upon the earnings of the ration shop.

According to the provision of law, in the event of death of the MR dealer, the vacancy is not initially notified. Prayer of any of the family members of the deceased have no regular means of subsistence, will be considered with preference on compassionate ground. If there are more than one legal heirs, the other legal heirs who are not interested to continue the business are required to submit their 'No Objection Certificate' in favour of the candidate who is interested to run the business.

In the instant case, none of the other heirs apart from the petitioner is interested to continue with the business. None of the other legal heirs have raised any objection with regard to the continuance of the business by the petitioner.

Accordingly, it has to be taken that the petitioner is the only contender of the business and none else is interested and nobody has any objection in the grant of license in favour of the petitioner on compassionate ground.

In view of the above, the instant writ petition is disposed of by directing the Sub-Divisional Controller,

Food and Supplies, Kalyani, Naida to wait till 30th November, 2021.

In the event any of the other legal heirs comes up with an objection, then the authority shall consider the case accordingly. If no response is received from any of the other legal heirs within 30th November, 2021 then the Sub-Divisional Controller shall take steps for grant of license in favour of the petitioner in accordance with law, at the earliest.

WPA 12248 of 2021 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)