

Item No.122

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

08.10.2021
Ct-24
sh

WPA 16715 of 2021
Braja Kishore Mahato & Anr.
v.
The State of West Bengal & Ors.

Mr. Syed Nazmul Hossain
... for the petitioners.

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

None appears for the respondents despite service.

The petitioner no. 1 is a dealer under the West
Bengal Public Distribution System (Maintenance &
Control) Order, 2013.

He applied before the Sub-Divisional Controller
(Food & Supplies), Manbazar praying for incorporating
the name of his son Bikash Chandra Mahato, petitioner
no.2 herein, as partner on account of his advanced age
and failing health.

The petitioner relies upon a notification No. 3034
dated 14th December, 2020 published in the Kolkata
Gazette (Extraordinary) on December 16, 2020 wherein
there is a provision for converting the sole proprietorship

business into a partnership firm for the reason of physical incapacitation.

The petitioners made representation before the Sub Divisional Controller (Food & Supplies), Manbazar by a letter dated 20th September, 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. 2 being the Sub Divisional Controller (Food & Supplies), Manbazar 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 petitioners immediately thereafter.

The petitioners are directed to forward a copy of the representation dated 20th September, 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.)