

Item No.164

03.12.2021
Ct-24

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

WPA 17585 of 2021
Shariful Islam

v.

The State of West Bengal & Ors.

Md. Younush Mondal
... for the petitioner.

Mr. Partha Chakraborty
... for the respondent nos. 5 & 6.

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

The heirs of a deceased dealer are fighting amongst themselves for obtaining the licence on compassionate ground.

It appears that the private respondents being the son and daughter of the deceased dealer initially executed no-objection certificate in favour of the petitioner for obtaining the licence but later on the said no-objection stood revoked.

The Sub-Divisional Controller (F&S), Barasat gave a personal hearing to all the legal heirs. As there was no consensus in between the parties, the prayer of the petitioner for grant of licence on compassionate ground stood rejected.

Prima facie, it does not appear that there is any illegality in the impugned order. Law requires that in the event, there are more than one legal heir then a no-objection certificate is required to be executed by the other legal heirs in favour of the party intending to obtain the licence. The same is missing in the instant case.

However, as it appears from the submissions made on behalf of the petitioner as well as the private respondents that there might be a settlement in between the parties accordingly, the instant writ petition is disposed of by directing the Sub-Divisional Controller (F&S), Barasat to take into consideration the family settlement which may be arrived in between the parties within a period of sixty days hereof.

In the event, there is no settlement within the specified period of sixty days, then it will be open for the Sub-Divisional Controller (F&S), Barasat to take appropriate steps in accordance with law for declaration of vacancy in respect of the fair-price shop.

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.

Sh

(Amrita Sinha, J.)