

Item No.189

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

01.12.2021
Ct-24

WPA 18438 of 2021
Niranjan Mahato & Ors.

v.

The State of West Bengal & Ors.

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

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

None appears on behalf of the State respondents.
Affidavit-of-service filed in Court today is taken on
record.

Mr. Susovan Sengupta, learned advocate who
usually represents the State respondents in Group-VIII
matters is present in Court is requested to enter
appearance on behalf of the State respondents.

The learned Legal Remembrancer is directed to
regularize the engagement of Mr. Susovan Sengupta.

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), Jhalda praying for incorporating the
name of his wife Ambika Mahato and son Anil Kumar

Mahato, petitioner nos.2 and 3 herein, as partners on account of his advanced age and failing health.

The petitioners rely 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), Jhalda by a letter dated 23rd August, 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), 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 petitioners immediately thereafter.

The petitioners are directed to forward a copy of the representation dated 23rd August, 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.

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(Amrita Sinha, J.)