

Item No.191

01.12.2021
Ct-24

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

WPA 18444 of 2021
Subal Chandra 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.

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

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 (Gajubala Mahato) and his son Goutam 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 October 4, 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 October 4, 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.)