

06
01.09.2021.
d.p

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)**

**W.P.A 1185 of 2021
(Via Video Conference)**

**Tapan Manta & Ors.
-versus
The State of West Bengal & Ors.**

**Ms. Papiya Chattopadhyay.
...For the Petitioner.**

**Mr. Subir Kumar Saha,
Mr. Momenur Rahman.
...For the State.**

The petitioner No.1 is the son-in-law and the petitioner Nos.2 and 3 are the minor grand daughters of the deceased licensee.

They have approached this Court challenging the license issued in favour of the private respondent No.8 who happens to be the daughter of the deceased licensee.

According to the petitioners, they are also legal heirs of the deceased licensee and their case also ought to have been taken into consideration prior to the grant of license in favour of the private respondent.

The learned advocate appearing for the State respondents submits, upon instructions, that the private respondent No.8 is the only surviving legal heir of the deceased licensee. As application was made by the surviving legal heir accordingly, license has been

granted in her favour strictly in accordance with the Control Order, 2013.

According to the West Bengal Public Distribution System (Maintenance and Control) Order, 2013, in case of vacancy arising out of death, the prayer of the family members of the deceased having no regular means of subsistence will be considered with preference on compassionate ground. 'Family members' as described in the said Control Order means, spouse, dependent parents, dependent sons and daughters.

In the instant case, the sole surviving daughter of the licensee applied for the license and the same was granted in her favour. The petitioners do not qualify as per the definition "family members" as described in the Control Order, 2013.

I do not find any illegality in the action of the respondents.

The instant writ petition fails and is hereby dismissed.

The envelope sent to the private respondent which has been returned to the petitioner with the endorsement 'refused' is taken on record.

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

(Amrita Sinha, J.)