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07.02.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 886 of 2022
(Via Video Conference)**

**M/s. Kumud Chandra Mandal and Sons & ors.
-versus
The State of West Bengal & Ors.**

**Mr. Washef Ali Mondal,
Mr. Syed Nazmul Hossain.
...For the Petitioners.**

**Mr. Susovan Sengupta,
Mr. Subir Pal.
...For the State.**

The petitioners are aggrieved by the order dated 6th April, 2020 issued by the Sub-Divisional Controller, Food & Supplies, Chanchal whereby the beneficiaries of the dealer has been tagged with the nearest FPS dealer allegedly on the death of Kumud Chandra Mandal, one of the partners of M/s. Kumud Chandra Mandal & Sons.

The petitioners have annexed the licence which was issued in their favour on 8th August, 2019 and thereafter on 30th March, 2020. The said licence has been renewed and is presently valid till 2023. The names of the partners of the partnership firm M/s. Kumud Chandra Mandal & Sons are I) Debdulal Mandal and II) Jayanti Saha Mandal.

It is the specific case of the petitioners that Kumud Chandra Mandal was originally one of the partners of

the partnership firm M/s. Kumud Chandra Mandal & Sons.

Thereafter, the partnership firm was reconstituted with the petitioners namely Debdulal Mandal and Jayanti Saha Mandal as its partners.

Licence was issued in favour of the partners of the said partnership firm and both the partners of the firm are presently alive. Kumud Chandra Mandal was no longer the partner of the partnership firm M/s. Kumud Chandra Mandal & Sons in the year 2020.

After the order of tagging was passed by the Sub-Divisional Controller, Food & Supplies, Chanchal on 6th April, 2020, the petitioners have made representation before the Sub-Divisional Controller, Food & Supplies, Chanchal on 30th April, 2020 and thereafter a demand justice was also made by the learned advocate on behalf of the petitioners.

None of the representations have been considered till date.

After hearing the submissions made on behalf of both the parties and upon perusal of the documents annexed to the writ petition, the instant writ petition is disposed of by directing the respondent No.3 being the Sub-Divisional Controller, Food & Supplies, Malda to take a decision with regard to the representations filed by and on behalf of the petitioners, strictly in accordance with law, after giving an opportunity of hearing to the parties within a period of twelve 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 licence that was issued in their favour, documents to show that the licence was renewed in their favour, the impugned order dated 6th April, 2020 and the representations dated 30th April, 2020 and 15th November, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

If the aforesaid respondent is of the opinion that the order impugned herein is liable to be reviewed/modified/revoked, then necessary consequential order shall be passed by the aforesaid respondent.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)