

148
11.02.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

W.P.A 1971 of 2022

**Nripendranath Modak & Anr.
-versus
State of West Bengal & Ors.**

**Mr. Syed Nazmul Hossain.
...For the Petitioners.**

**Mr. Susovan Sengupta,
Ms. Supriya Dubey
...For the State.**

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 son (Krishnandu Modak), petitioner no.2 herein, as partner 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 4th January, 2022 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 4th January, 2022 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.

(Amrita Sinha, J.)