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11.02.2022
d.p.

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

**W.P.A 2051 of 2022
(Via Video Conference)**

**Jayashri Saha
-versus
The State of West Bengal & Ors.**

**Mr. Timir Baran Saha.
...For the Petitioner.**

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

**Mr. Md. Sarwar Jahan,
Mr. Moidul Islam,
Mr. Sumonto Das.
...For the Respondent No.7.**

One Biswarup Saha was a licensee in respect of a Fair Price Shop. The said licensee died on 19th September, 2019. After his death, his wife being the private respondent herein, as well as his mother the petitioner herein, both are vying for his licence in question.

According to the provision of the Control Order, 2013, the spouse is entitled to obtain the licence on compassionate ground without obtaining any 'No Objection Certificate' from the other heirs of the deceased.

The respondent authorities accordingly took a decision to issue the licence in favour of the wife of the deceased.

The petitioner is aggrieved by the same.

The petitioner raises certain personal allegations against the wife of the deceased.

Fact remains that, the writ court ought not to enter into or decide any private dispute amongst the parties.

As the law provides for grant of licence on compassionate ground in favour of the spouse of the deceased, accordingly, it will be open for the Sub-Divisional Controller (F & S) to take necessary steps in the matter in accordance with law.

However, as it has been submitted that the mother of the deceased is aged about 72 years and is not in a position to take care of her own self and also does not have any independent earnings, accordingly, it is expected that the daughter-in-law being the respondent No.7 shall take due care of the mother-in-law out of the earnings from the said licence.

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.)