

Court No. 24
05.04.2022
(Item No. 284)
(AB)

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

W.P.A. 2151 of 2022

Biswajit Saha
VS
The Union of India & Ors.

Ms. Manali Biswas
..... for the petitioner
Mr. Susovan Sengupta
Mr. Manas Sadhu
..... for the State

The matter relates to engagement on compassionate ground. The original licensee Netai Chandra Saha expired on 5th March, 2019 leaving behind six sons. The petitioner claims to be the grandson of the deceased licensee.

His allegation is that the respondent authorities are taking steps to issue license in favour of the private respondent i.e. his uncle on compassionate ground without obtaining the necessary No Objection Certificate from the other heirs of the deceased.

It has been submitted that for quite some time now the private respondent is carrying on business possibly on the basis of the license which has been issued in his favour.

It has been submitted that the other eligible legal heirs of the deceased licensee did not issue any “No Objection Certificate” in favour of the private respondent herein and accordingly the respondent authorities ought not to issue license in favour of the private respondent on compassionate ground.

The Sub-Divisional Controller, Food and Supplies, Kandi, Murshidabad has filed a report wherein it has been mentioned that a personal hearing was fixed on 22nd January, 2021. The petitioner and the private respondent herein were present in the hearing.

In the said hearing no amicable settlement was arrived at between the parties. The respondent Sub-Divisional Controller, Food and Supplies waited for a considerable period of time but even then there was no agreement between the parties.

The prayer of the petitioner for grant of license on compassionate ground was rejected as he could not produce the “No Objection Certificate” from the other eligible heirs of the deceased licensee.

It appears from the submissions made on behalf of the parties and from the documents annexed to the writ petition as well as the report filed by the Sub-Divisional Controller, Food and Supplies that enough time was granted to the heirs of the deceased to come up with a settlement, which they failed to do. Considerable time has elapsed from the date of death of the licensee. It is time that the respondents proceed to declare vacancy of the said location.

Accordingly, the instant writ application is disposed of by granting liberty to the respondents to take steps for declaration of vacancy in the area in question. All consequential steps shall be taken by the respondent authorities strictly in accordance with law.

The writ petition stands disposed of.

The report in the form of affidavit filed by the Sub-Divisional Controller, Food and Supplies Department Kandi and the exception to the same filed by the petitioner in Court today be taken on record.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)