

07.06.2022
SL No.18
Court No.8
(gc)

**FMA 268 of 2022
With
CAN 2 of 2022**

**Shariful Islam
Vs.
The State of West Bengal & Ors.**

Md. Yunush Mondal,
...for the Appellant.
Mr. Susovan Sengupta,
Mr. Subir Pal,
...for the State.
Mr. Partha Chakraborty,
Ms. Disha Shukla,
...for the Respondent Nos.5 & 6.

By consent of the parties, the appeal and the application are taken up together and disposed of by this common order.

The appeal is at the instance of one of the sons of Md. Sahidul Islam, a Modified Ration Dealer (Fair Price Shop). He died on 8th December, 2012. Thereafter the present appellant applied for M.R. Dealership on compassionate ground. The writ petitioner/appellant produced two affidavits from his brother and sister showing No-objection in the event the petitioner is granted the licence. However, before the process would be completed, his brother and sister raised objection with regard to the nature of such No-objection Certificate. Before the learned Single Judge, the parties agreed to arrive at a settlement and it was on the basis of such submission, the learned Single Judge disposed of the writ petition by observing that if no settlement is reached between the parties within 60

days, then it would be open for the Sub-Divisional Controller (F&S), Barasat to take appropriate steps in accordance with law for declaration of vacancy in respect of the Fair Price Shop.

We dispose of the appeal by extending the said period by a further period of 60 days from date. We hope that within the aforesaid time, the writ petitioner and his brother and sister be able to arrive at an amicable settlement.

The appeal being FMA 268 of 2022 and the application being CAN 2 of 2022, accordingly, stand disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)