

42 28.11.2022
NB Ct. 39

WPA 5274 of 2022
Mrityunjay Sadhukhan
Vs.
The State of West Bengal & Ors.

Mr. Prabir Kr. Bhowmick,
Mr. Anirban Saha.
...for the petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Arka K. Nag.
...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents' show cause as to why the representation preferred by the petitioner should not be acted upon.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father was a kerosene oil dealer. The father of the petitioner passed away about six years ago. During lifetime of the petitioner's father, one Sukhendu Chakraborty who was also a permanent kerosene dealer left a licence and the said licence was tagged in favour of the petitioner's father Adhir Sadhukhan. After the demise of the petitioner's father, the said tagged licence was given to one Shyamanath Saha and the petitioner's brother was allotted the permanent licence of his father in Pagla Goswami Lane. The petitioner was given the responsibility of distribution of kerosene oil, which had been tagged in the name of his father i.e., the tagged licence of Shyamanath Saha. For about five years, the petitioner diligently used to sell kerosene without any complaint and maintained all transaction records. In September 2021, the

said tagged licence for kerosene oil distribution was taken away by Shyamanath Saha. The said Shyamanath Saha has got his own MR distributorship of licence for kerosene dealership. Being aggrieved with the same, the petitioner made several representations before the respondent authorities that were not answered.

Learned counsel for the State submits that the State would not come in the way if a direction is passed upon the respondents to consider the representation after hearing the interested parties including the present petitioner.

I have heard the learned counsels appearing on behalf of the parties and perused the writ petition.

It appears that the petitioner has made several representations before the respondent authorities including the last one dated 22nd February, 2022.

In the interest of justice, let the respondent no.3 consider the petitioner's representation including the representation dated 22nd February, 2022 in accordance with law, within six weeks from the date of communication of this order.

It is clarified that merits of the case have not been gone into.

The allegations are not admitted by the parties as no affidavits were called for.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)