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11.05.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 6948 of 2022

**Sanjoy Sadhukhan & Ors.
-versus
State of West Bengal & Ors.**

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

**Ms. Santi Das.
...For the respondent No.8.**

None appears on behalf of the State respondents in spite of service.

Affidavit-of-service filed in Court today is taken on record.

The dispute is between the petitioners and the private respondent herein with regard to a licence which was issued in favour of the private respondent on compassionate ground.

The licence was initially in the name of one M/S. Padma Rani Sadhukhan. The licensee was a partnership firm comprising of three partners. The first partner was Padma Rani Sadhukhan. She inducted her two daughters namely Krishna Sadhukhan and Minati Biswas as working partners.

Padma Rani Sadhukhan expired on 8th May, 2015. Krishna Sadhukhan expired prior to the expiry of Padma Rani Sadhukhan. The only surviving partner of

the partnership firm was the private respondent Minati Biswas.

On the death of Padma Rani Sadhukhan on 8th May, 2015 the private respondent applied for issuance of licence in her name on compassionate ground.

The petitioners claim that an application was made for issuance of licence in their names.

As the application filed by the private respondent was not taken up for consideration, she approached this Court by filing a writ petition being W.P. 10097 (W) of 2019. The said writ petition was disposed of by an order dated 26th September, 2019 whereby the Court directed that the respondents should dispose of the application made by the private respondent in accordance with law.

After the application was made by the private respondent, the same was considered and the Sub-Divisional Controller intimated the private respondent that the application cannot be proceeded with due to non-supply of certain documents.

The private respondent again challenged the same by filing a separate writ petition being W.P.A. 12248 of 2021 which was disposed of by the Court on 7th September, 2021.

The petitioners herein were impleaded as private respondents in the said writ application. Though the copy of the writ petition was served upon the petitioners herein but they chose not to appear in the writ proceeding.

The Court disposed of the writ petition by observing that none of the legal heirs apart from the petitioner (Minati Biswas) is interested to continue with the business and none of the other legal heirs raised any objection with regard to the continuance of the business by Minati Biswas.

The writ petition was disposed of by directing the Sub-Divisional Controller (F & S), Kalyani, Nadia to wait till 30th November, 2021. It was directed that in the event any of the other legal heirs objects, then the authority shall consider the case accordingly. If no response is received from any of the other legal heirs within 30th November, 2021, then the Sub-Divisional Controller shall take steps for grant of licence in favour of Minati Biswas in accordance with law, at the earliest.

As no objection was received from any of the other legal heirs of the deceased licensee Padma Rani Sadhukhan, the Sub-Divisional Controller issued licence in favour of the private respondent, Minati Biswas on 5th May, 2022. The said licence is valid till 31st December, 2022.

Presently, the petitioners submit that they have made a further representation dated 6th April, 2022 objecting to the decision to grant licence in favour of the private respondent.

According to the petitioners, they could not appear in the earlier writ petition due to pandemic situation.

As per the provisions of law, an application for being engaged on compassionate ground is to be made

within a period of 60 days from the date of death of the recorded licensee.

In the present case, though it has been submitted that the application was made by the petitioners within the due date but thereafter it appears that they did not proceed with the said application any further.

The private respondent on the other hand made application and steadily proceeded with the same.

Enough opportunity was granted to the petitioners to raise objection before the respondent authority in the event they had any objection to the grant of licence in favour of the private respondent.

None appeared or objected to the grant of license in favour of the private respondent.

The Court granted enough time at the time of passing the order dated 7th September, 2021 for raising objection by any of the legal heirs of the deceased. None appeared or objected to the same.

In view of the above, it appears that the petitioners are intentionally trying to stall the business of the private respondent by raising objection at such a belated stage. Licence has already been issued in favour of the private respondent in accordance with the provision of law.

There is no reason for interference with the issuance of the licence at this stage.

In view of the above, no relief can be granted to the petitioners at this stage in the instant petition.

The writ petition fails and is hereby dismissed.

The licence issued in favour of the private respondent dated 5th May, 2022 is 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.)