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17.03.2022
d.p.

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

**W.P.A 5860 of 2007
IA No. CAN 1 of 2021
CAN 2 of 2021
CAN 3 of 2021**

**Ananda Biswas
-versus
State of West Bengal & Ors.**

**Mr. Atish Kumar Biswas,
Mr. Amit Singh,
Mr. Jyoti Agarwal.
...For the Petitioner.**

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

The father of the applicant was a MR Dealer. His licence stood suspended. The suspended licensee challenged the order of suspension. During the pendency of the instant writ application the suspended licensee expired.

The present application has been filed by his son for substitution.

The prayer for substitution has been opposed by the learned advocate appearing for the State respondents.

It has been submitted by the learned advocate for the applicant that the order of suspension was illegal and liable to be set aside.

It appears that the original licensee whose licence stood suspended expired during the pendency of the writ petition. Assuming that the Court holds in favour of the deceased suspended MR dealer, even then there is no scope for granting any benefit in favour of the present applicant.

On the death of the licensee the right to sue does not survive.

Accordingly, the prayer for revocation of the order of suspension cannot be allowed in favour of his son who was not the suspended licensee.

The son of the original petitioner does not have any right to continue with the said proceeding at present.

In view of the above, the instant writ application stands dismissed.

The connected application filed by the applicant praying for substitution, application under Section 5 of the Limitation Act praying for condoning the delay in filing the application for substitution and the application praying for setting aside abatement all stand dismissed as 'infructuous'.

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

(Amrita Sinha, J.)