

83 12.7.2022
Sc Ct. no.12

MAT 981 OF 2022
with
I.A No. CAN 1 OF 2022

Tapan Kumar Mondal

Vs.

Basudeb Mondal & Ors.

Mr. Ranjit Kumar Jaiswal
Mr. Nandalal Pradhan.

... For the Appellant

Mr. Arup Banerjee
Mr. Arun Kr. Saha.

... For the Respondent
No. 1.

Heard Mr. Ranjit Kumar Jaiswal, learned counsel for the appellant and Mr. Arup Banerjee, learned counsel for the respondent no.1.

The judgment dated 13th May, 2022 passed by the Hon'ble Single Judge in WPA 28971 of 2008 has been challenged in the present appeal.

In course of hearing when we perused the impugned judgment, it is found that the present respondent no.1 is the son of the deceased original M.R. Dealer and the present appellant who was the respondent no.9 in the writ petition, is the grandson of the deceased original M. R. Dealer.

We do not want to go deep into the merit of the case inasmuch as the present appellant had challenged the order dated 9th February, 2013 passed by the Sub-Divisional Controller rejecting the prayer for his appointment as an M. R. Dealer in the place of his

deceased grandfather on compassionate ground. The said writ petition was dismissed on 6th November, 2013 rejecting the claim of the present appellant. Against that order no appeal was preferred and the order passed in the aforesaid writ petition attained finality.

The present respondent no.1 preferred the instant writ petition when his claim for appointment as an M. R. Dealer in place of his deceased father was rejected on the ground that the godown is not fit for storing of foodgrains as it is a mud house. This question has been elaborately discussed by the learned Single Judge.

The present appellant being the respondent no.9 before the writ court also took his stand for being appointed as an M. R. Dealer on compassionate ground.

On consideration of submission advanced by learned counsel for the parties and taking into consideration the order dated 6th November, 2013 passed in W.P. 29470 (W) of 2013 the Hon'ble Single Judge has rightly held that the respondent no.9 (present appellant) has no surviving claim as the order passed in the writ petition has attained finality.

Regard being had to the discussion of the Hon'ble Single Judge in the impugned order and our observation (supra), we do not find any merit in the appeal and the same is accordingly dismissed but without costs.

Accordingly the connected application being I.A. No. CAN 1 of 2022 also stands dismissed.

Photostat certified copy of this order, if applied for,
be furnished expeditiously

(Chitta Ranjan Dash, J.)

(Aniruddha Roy, J.)