

Court No. 24
06.01.2022
(Item No. 248)
(AB)

W.P.A. 20915 of 2021
(via video conference)

Shib Shankar Das
VS
The State of West Bengal & Ors.

Mr. Samiran Mandal
Mr. Abhinaba Dan
... for the petitioner
Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Nilotpall Chatterjee
..... for the State
Mr. R. A. Agarwal
Ms. N. Pal
Mr. A. G. Mukherjee
..... for respondent No. 7
Mr. Sagar Bandyopadhyay
Mr. Abhisek Banerjee
..... For respondent No. 8

The dispute relates to engagement of dealer on compassionate ground on the death of the licensee.

The sons of the deceased licensee are fighting amongst themselves. One of the sons approached this Court on an earlier occasion by filing writ petition being WPA 9389 of 2021 (Ajit Kumar Das Vs. State of West Bengal & Ors.) which was disposed of by this Court by an order dated 4th August, 2021 wherein the Court directed the respondent authority to give one more opportunity to the warring brothers to arrive at a settlement. It was made clear that in the event the settlement in the form of “No Objection Certificate” is filed before the aforesaid respondent within ninety days, the respondent shall proceed to deal with the same in accordance with law.

One of the other sons also approached this Court earlier by filing writ petition being WPA 6286 of 2021 (Shib Shankar Das Vs. The State of West Bengal & Ors.) which

stood disposed of by an order dated 5th August, 2021 wherein ninety days time was framed within which parties were liberty to file the requisite documents for the purpose of engagement as dealer on compassionate ground.

The respondent authority has tagged the ration cards of the deceased licensee with the respondent No. 8.

Presently the submission of the petitioner is that the respondent No. 7 being one of the brothers of the petitioner is continuing the business with the respondent No. 8

According to the petitioner, as the respondent No. 7 is running the business in a backdoor manner with the respondent No. 8, the brothers cannot come to a settlement and the respondent No. 7 is not issuing the “No Objection Certificate” in favour of the petitioner.

The learned advocate representing the respondent No. 7 denies the submission made on behalf of the petitioner.

The learned advocate representing the respondent No. 8 also submits that the ration cards of the deceased licensee has been tagged with his ration shop and he is independently carrying on the business.

The petitioner has made a representation before the respondent authority praying for a direction not to permit the respondent No. 7 to continue the business with the respondent No. 8.

From the submissions of the parties it appears that there is a private dispute in between the sons of the deceased. It is not open for the respondent authority to enter into or settle such private disputes amongst the sons

of the deceased licensee. It is for the sons of the deceased licensee to enter into a settlement or to approach the appropriate forum for relief.

The Court under Article 226 of the Constitution of India ought not to interfere or entertain any private disputes amongst the private parties. There is no reason to entertain the writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)