

17.03.2022
SL No. 168
Court No. 24
(P.M)

WPA 17774 of 2011
With
IA NO: CAN/1/2019 (Old No. CAN 10672/2019)
+
CAN/2/2021
+
CAN/3/2021
+
CAN/4/2021 (file not here)

Anil Baran Mondal
Vs
The State of West Bengal & Ors.

Mr. Gouranga Kumar Das,
Mr. Kanailal Dutta
... for the petitioner.

The writ petition was filed in the year 2011.

Mr. Susovan Sengupta, learned advocate who usually represents the State respondents in this type of matters is requested to assist the Court on behalf of the State. The Legal Remembrancer is requested to regularize his engagement along with Mr. Subir Pal, learned advocate as his junior.

The writ petition was filed challenging the order of the appellate authority affirming the order passed by the Sub-Divisional Controller and the District Magistrate terminating the licence of the petitioner. During the pendency of the writ petition the sole writ petitioner has died. An application for substitution has been filed by the widow and the children of the deceased writ petitioner.

The Court is of the opinion that on the death of the writ petitioner, whose license stood terminated, the right to sue does not pass on to the heirs of the deceased licensee.

The petitioner has also not mentioned in the body of the application that the right to sue survives in favour of the applicants.

In view of the above, the application for substitution and the application praying for setting aside the abatement stands dismissed.

The applicants will, however, be at liberty to make fresh representation before the respondent authority praying for redressal of their grievances.

Writ petition along with connected applications stand dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)