

17.03.2022
SL No. 166
Court No. 24
(P.M)

WPA 20693 of 2007
With
IA NO: CAN/1/2021
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CAN/2/2021
+
CAN/3/2021

Sayed Ali Sk. & Ors.
Vs
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioners.

Mr. Susovan Sengupta,
Mr. Subir Pal
... for the State

Mr. Amit Singh
... for the private respondent.

The petitioners are aggrieved by the action on the part of the Sub-Divisional Controller in issuing licence in favour of the respondent No. 8 Binay Biswas. The said licence was issued in the year 2006.

According to the petitioners, there was no declaration of vacancy at the relevant point of time. The licence was granted on compassionate ground.

The father of Binay Biswas was the original licensee whose licence stood terminated by the authority. After termination of licence the same could not have been issued in favour of the son allegedly on compassionate ground.

The petitioners without filing any representation before the respondent authority have directly approached this Court for relief.

It appears that considerable period of time has elapsed in the meantime. Accordingly this Court grants leave to the petitioners to file a fresh representation before the respondent No. 6, Sub-Divisional Controller, Food & Supplies, Tehatta-I highlighting their grievances along with all supporting documents.

In the event such a representation is made, the same shall be considered strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties.

The respondent authority shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioners.

The writ petition along with all connected applications are disposed of.

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

(Amrita Sinha, J.)