

33 17.11.2022
NB Ct. 39

WPA 23461 of 2022

Kachenur Bibi
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
Mr. Neil Basu.
...for the petitioner.

Mr. Susovan Sengupta,
Mr. Manas Kumar Sadhu.
...for the State.

Mr. Rudranil De,
Mr. Zeaul Haque.
....for the respondent no.6

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents to compel the private respondent to run the dealership business in question jointly with the petitioner as partners and to disburse and release the ration commission bill, transport rebate of the dealership business in the joint account of the partnership firm and alternatively, to allow the petitioner to run the fair price shop and S.K. Oil dealership as a sole proprietor.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a partner of the firm, which is supposed to run a fair price shop and S.K. Oil dealership. However, after sometime the respondent no.6

and others started to run the business without her consent and without even taking any signature that is necessary to execute documents. In fact, the income obtained from such business went to the personal account of one of the partners. Being aggrieved with all these, the petitioner made a complaint before the respondent no.5. The matter was heard on several occasions and the hearing was concluded. Yet, till date a decision has not been taken in such proceeding. The petitioner prays for a direction upon the concerned respondent to decide the issue within a stipulated period.

Learned counsel appearing on behalf of the respondent no.6 submits as follows. Actually, the petitioner had taken a lumpsum amount from the private respondent and had asked him to run the business. After the death of the respondent's father, the petitioner left their household and remarried.

Learned counsel for the State submits as follows. The hearing has already been concluded and a decision is to be taken by the respondent no.5.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that on several occasions the respondent no.5 had heard the matter regarding the complaint made by the petitioner about the fair price shop and S.K. Oil dealership business. Yet, till date the respondent no.5 has not taken any decision.

In view of the above, the respondent no.5 is directed to take a decision in respect of the proceeding pending before

him within two months from the date of communication of this order and communicate the order passed.

Since no affidavits were called for, the allegations are not admitted.

Merits of the case have not been gone into.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)