

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA No. 1427 of 2023

**Laxmi Rani Modak
Vs.
State of West Bengal & Ors.**

For the petitioner : Ms. Papiya Chatterjee

**For respondent Nos.6 & 7. : Mr. Manwendra Singh Yadav,
Ms. Satabdi Kundu Naskar**

For the State : Mr. Ananda Dulal Sarkar

**Heard &
Judgement on : 03.07.2023.**

Bibek Chaudhuri, J.

The instant writ petition was filed by one Laxmi Rani Modak, wife of late Gopal Modak with a prayer for issuance of a writ of mandamus commanding the respondents, particularly the Director of Consumer Goods, Food and Supplies, Government of West Bengal to grant licence in favour of the petitioner being the widow of the deceased dealer who expired on 5th April, 2020 on compassionate ground. The petitioner has also prayed for issuance of other writs in the nature of certiorari and consequent interim order.

It is submitted by Ms. Papiya Chatterjee, learned Advocate for the petitioner that the petitioner was supposed to file no objection certificate of other heirs of deceased Gopal Modak. However, till date all the heirs have not come to a consensus that no objection certificate would be issued in favour of the petitioner. It is further submitted by the learned Advocate for the petitioner that some more time is required for negotiation purpose and filing of affidavit by other legal heirs of Gopal Modak. Till date the writ petition may be adjourned.

It is submitted, on the other hand by the learned Advocate on behalf of the Indian Oil Corporation Limited that the petitioner did not file the application in prescribed format. She also did not file no objection certificate in the form of affidavit of other heirs. Therefore, the Indian Oil Corporation is not in a position to take any final decision with regard to the said application.

Having heard the learned Advocates for the parties and on perusal of the materials on record, this Court is of the view that application for granting licence on compassionate ground on the death of the original licence holder/dealer is required to be made by a prescribed proforma issued by the Indian Oil Corporation along with other necessary documents and most importantly no objection certificates of other legal heirs of the deceased.

Since the petitioner failed to submit her application in prescribed proforma and no objection certificate of all the heirs of deceased Gopal Modak, this Court is of the view that no purpose will be served keeping the instant writ petition pending. Therefore, the instant writ petition is disposed of on contest. However, the petitioner is at liberty to file a fresh application in prescribed proforma along with all supporting documents required by IOCL, specially no objection certificate of all the legal heirs of the deceased within 60 days from this date.

It is submitted on behalf of the petitioner that during the life time of Gopal Modak the amount of Rs.4,00,000/- and an amount of Rs.3,78,000/-, total being of Rs.7,78,000/- were deposited with IOCL for supply of kerosene oil. The said money is lying with the IOCL.

IOCL is directed that if the petitioner files proper application and licence in her name is granted by the IOCL in accordance with law, the said amount will be adjusted against future supply of kerosene oil.

With the above order, the instant writ petition is **disposed of**.

(Bibek Chaudhuri, J.)

Mithun De.
A.R. (Ct).
SI No.05.