

16.08.2023
Srimanta
Sl. No. 14
Ct. No. 42

WPA/5205/2006

Sattar Ali Mollah
-Vs.-
State of West Bengal & Ors.

Mr. Amit Bikram Mahata

...for the petitioner.

Having heard the learned Advocate for the petitioner and on perusal of the instant writ petition I find that the petitioner filed the instant writ petition in the year 2006 for compassionate appointment and grant of licence in his favour on the death of his father, namely, Mana jit Ali Mollah who was the original licensee in respect of a fair price shop which was previously called as MR shop. During the pendency of the writ petition the State respondents divided the said licence into two portions, part of the licence was granted in favour of the petitioner and the another part was granted in favour of the third wife of the petitioner. It is contended on behalf of the petitioner that the petitioner has already divorced the said third wife of the petitioner. This matter is not in issue in the instant writ petition. Moreover, a writ Court cannot determine a question as to whether a divorced wife under the Mohammedan Law is entitled to get any licence on compassionate ground from her father-in-law during the subsistence of her marriage with the petitioner.

In view of such circumstances, I find that the instant writ petition becomes infructuous and accordingly it is dismissed.

(Bibek Chaudhuri, J.)