

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

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

**IA No.:CAN/1/2022, CAN/2/2023
in
WPA 7137 of 2022**

**Md. Jakir Hossain Halder
-Vs.-
State of West Bengal & Ors.**

**For the petitioner : Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das**

**For the respondent no. 6 : Mr. Ranjan Saha,
Mr. Aniket Saha**

Heard & Judgment on : 20.07.2023

Bibek Chaudhuri, J.

Mother of the petitioner, since deceased, was the licensee in respect of a fair price shop situated at village – Dogachha within Police Station – Usti, South 24-Parganas. She died leaving behind five daughters and two sons. After the death of their mother the petitioner filed an application for grant of licence in favour of him on compassionate ground. No objection certificates in the form of affidavit issued by other legal heirs were duly submitted to the concerned department. That on 11th August, 2021 the District Controller, Food and Supplies was informed by the Deputy Director

(Licence) in the Directorate of DDP&S informed that the Government in Food and Supplies Department have approved the proposal for engagement of Md. Jakir Hossain Halder, petitioner herein as FPS dealer on compassionate ground at village – Dogachha. Subsequently, however, licence was not issued in his name. After the decision taken by the Government, the Deputy Director (Licence) subsequently issued a letter stating, inter alia, that the proposal of granting licence was cancelled due to the reasons that one of the legal heirs of the original licensee (private respondent no. 6 herein) raised an objection to the effect that her signature was forged in no objection certificate. Therefore, the order of granting licence was cancelled.

It is submitted jointly by the learned Advocates for the petitioner and the respondent no. 6 that by this time they have come to a settlement and a joint affidavit has been filed by both the petitioner and the private respondent no. 6 stating, inter alia, that the private respondent no. 6 has no objection if the licence is granted in favour of the petitioner.

In view of such circumstances, the instant writ petition is disposed of directing both the petitioner and private respondent no. 6 to file the joint affidavit affirmed by them before the jurisdictional Sub-Divisional Controller, Food and Supplies, Diamond Harbour. On receipt of such affidavit, the respondent no. 5 shall take appropriate action in accordance with law.

The instant writ petition is, thus, disposed of. In view of the above order, the vacancy notification dated 16th November, 2022 be quashed.

[Bibek Chaudhuri, J.]

Srimanta, A.R.(Ct.)
Item No. 01.