

Form J(2)

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

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

WPA 9200 of 2023

**Biswajit Sen
Vs.
State of West Bengal & Ors.**

**For the petitioner : Mr. Mahadeb Sarkar,
Ms. Soma Chakraborty.**

**For the State : Mr. T.M.Siddiqui,
Mr. Amritalal Chatterjee.**

Judgement on : 26.06.2023.

Bibek Chaudhuri, J.

The petitioner has filed the instant writ petition for issuance of writ in the nature of mandamus commanding the respondent No.4, the Sub-Divisional Controller (Food & Supplies), Bongaon Sub-Division in the district of North 24-Parganas to issue licence in favour of the petitioner in respect of dealership of a fair price shop on compassionate ground on the death of his father and also other prayers in consonance with the issuance of writ.

It is the case of the petitioner that his father was a licence holder having dealership of fair price shop at village Rautara, Post Office-Asharu within police station Bongaon in the district of North 24-

Parganas. The father of the petitioner died on 10th March, 2022 leaving behind the present petitioner and others as his legal heir and representatives. The petitioner prayed for issuance of licence on compassionate ground, which his father used to hold for running the said fair price shop. However, his representation has not been decided as yet by the respondent authorities.

It is submitted on behalf of the petitioner that the petitioner is a ex-army man and a pension holder. The petitioner suspects/apprehends that his prayer may be rejected on the ground that he is a pension holder. However, in the same locality, an ex-army man, presently pension holder, namely Sukhendu Halder was given compassionate appointment of a fair price shop dealership vide licence no.233700600009.

It is contended by the learned Advocate for the petitioner that the petitioner submitted his representation lastly on 29th March, 2023 to the concerned authorities but the said representation has not been disposed of as yet. At this stage, it is the prayer of the petitioner that the respondents may be directed to consider the representation of the petitioner in accordance with law.

Learned Advocate for the State respondents frankly submits that if the representation is directed to be considered in accordance with law, the State respondents have no objection.

In view of such circumstances, the instant writ petition is disposed of directing the respondent No.4 to dispose of the representation dated 29th March, 2023 submitted by the petitioner within a period of 60 days from the date of communication of the order.

Urgent certified copy of this order if applied for be supplied to the parties subject to compliance with all requisites formalities.

(Bibek Chaudhuri, J.)

***Mithun De.
A.R. (Ct).
SI No.29.***