

Form J(2)

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

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

WPA 16344 of 2023

**Munshi Jahanara Khatun
-Vs.-
State of West Bengal & Ors.**

For the petitioner	:	Mr. Krishnendu Bera
For the State	:	Mr. Santanu Kumar Mitra, Mr. Amartya Pal
For the Intervenor	:	Mr. Ram Anand Agarwala, Ms. Nibedita Pal, Mr. Ananda Gopal Mukherjee, Ms. Sonam Ray
Heard & Judgment on	:	20.07.2023

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

Sometimes in the year 1998 a licence of M. R. Dealership was granted in favour of the petitioner, namely, Munshi Jahanara Khatun. Since the petitioner was not able to run the business alone a partnership was formed by the petitioner with one Nazia Begum. Both the petitioner and Nazia Begum were operating the said partnership business of M.R. Dealership and on the prayer made by both of them a fresh licence was issued in favour of both the partners.

Subsequently in the year 2010 dispute cropped up between the partners. It is the allegation of the petitioner that the said Nazia Begum neglected and refused to pay the profits earned through the said business in favour of the petitioner. The petitioner then approached the State respondents to convert the said licence into the sole proprietorship licence as was issued in the year 1998. Subsequently by mistake of fact the petitioner surrendered her original licence in favour of the State respondents. It is apparent from page 63 of the writ petition being a letter dated 19th March, 2019 issued by the Sub-Divisional Controller, Food and Supplies, Arambag to the District Controller (Food & Supplies), Chinsurah, Hooghly that on 27th July, 2011 Munshi Jahanara Khatun submitted a prayer to get back her licence. So, the then Sub-Divisional Controller (Food & Supplies), Arambag again called for a hearing on 17th August, 2011. In the hearing the representative of Munshi Jahanara Khatun stated that she is not enjoying the business and on 17th November, 2011 Munshi Jahanara Khatun submitted a prayer to surrender his ownership from the M.R. and Kerosene oil business. Her surrender of ownership was accepted by the office of the Sub-Divisional Controller (Food and Supplies), Arambag. It is also found from the Annexure – P/14 that the petitioner filed a writ petition being WPA/10246/2023 for a direction upon the respondent authorities to consider the prayer of the petitioner to restore licence of the petitioner for M.R. Dealership without further delay. The said writ petition was disposed of by a Coordinate Bench vide order dated 10th May, 2023 holding, inter alia, that the relief of consideration of petitioner's prayer has already been decided. However, the decision was not communicated to the petitioner earlier. Therefore, a direction was made upon the State

respondents to communicate the order passed by the State respondents upon petitioner's prayer for restoration of licence giving liberty to the petitioner to challenge the order in accordance with law. The petitioner subsequently made a representation before the District Controller, Food and Supplies, Hooghly with similar prayer. In the instant writ petition, the petitioner has prayed for consideration of her representation.

Learned Advocate for the State respondents, on the other hand, submits that when his earlier representation on the same relief was rejected there is no scope for reconsideration of the same representation. I have duly considered the submissions made by the learned Advocate for the petitioner as well as the learned Advocate for the State respondents. Since the petitioner was given liberty by a Coordinate Bench in WPA/10246/2023 to challenge the order of cancellation of her licence in accordance with law and in view of such direction the petitioner preferred the representation before the District Controller, Food and Supplies, Hooghly on 6th June, 2023, this Court is not in a position to reject the instant writ petition outright. Therefore, the instant writ petition is allowed. The District Controller, Food and Supplies (respondent no. 3) is directed to consider and dispose of the representation filed by the petitioner on 6th June, 2023 after giving opportunity to the petitioner of hearing.

Since it is ascertained that before cancellation of the licence of the petitioner, the MR Dealership was run by a partnership business, the District Controller, Food and Supplies is at liberty to issue notice upon the another partner if he wishes to hear him to solve the dispute appropriately and permanently.

[Bibek Chaudhuri, J.]

Srimanta, A.R.(Ct.)
Item No. 05.