

21-09-2023
ct no. 13
sl. no. 11
pk

F.M.A. No. 307 of 2023

Sanjib Kumar Pal
-Versus-
State of West Bengal & others

Mr. Piyus Chaturvedi,
Mr. Manoranjan Jana

...for the appellant

1. The instant appeal arises out of a judgement dated 28.09.2022 passed by a Single Bench of this Court in W.P.A. 22204 of 2022.
2. By the impugned judgement, the application of the petitioner for allotment of FPS Dealership to him on compassionate ground was rejected.
3. The petitioner claims that he was originally the power of attorney holder of the FPS Dealership, and was running the shop for a substantial period of time due to the ill health of the original dealer. After the death of the original dealer, the petitioner applied for transfer of the dealership to him on compassionate ground claiming that he was a nephew. The petitioner subsequently changed his stance and claimed that he was adopted son of the deceased FPS dealer.
4. The petitioner relied upon two facts. One that, there was a registered will in his favour executed

by the deceased and second, that he performed the last rites of the deceased.

5. This Court is with Mr. Chaturvedi to the extent that adoption in this Country under the Hindu Adoption and Maintenance Act need not be proved only by a deed of adoption. There can be other circumstances indicating such adoption. These have to be formally proved before a competent Court of jurisdiction and decree is required to be obtained in this regard.
6. Admittedly, the petitioner did not claim to be the adopted son of the deceased in his first application for transfer of dealership on compassionate grounds. He claimed that he was a nephew. The petitioner's application on compassionate ground, therefore, becomes wholly suspicious. The respondent authorities were therefore justified in rejecting the petitioner's application. The Single Bench has upheld such rejection and this Court therefore sees no reasons to interfere with the said impugned judgement.
7. The instant appeal fails and is hereby dismissed.
8. The aforesaid order shall not prevent the petitioner from making individual application in his individual capacity for any FPS dealership in the said area.

9. There shall be no order as to costs.
10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)