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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 27863 of 2023

Dulal Pal

-Vs-

The State of West Bengal & Ors.

Mr. Ram Anand Agarwala,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray
... for the petitioner

Mr. T. M. Siddiquie,
Mr. Supratim Dhar
... for the State

This writ petition has been filed for cancellation/
withdrawal of the impugned decision rejecting petitioner's
application for engagement as FPS dealership on
compassionate ground communicated vide Memo
No.640/1(2)/DCF&S/Nadia/2022 dated 28th July, 2023.

Mr. Ram Anand Agarwala, learned Advocate for the
petitioner submits that the mother of the petitioner was
granted FPS and Kerosene Oil dealership licence. During
her lifetime, the mother of the petitioner applied for
transferring the dealership in favour of the petitioner.
However, pending such application the mother expired on
15th September, 2022. Thereafter, the petitioner applied
for getting the dealership licence, in his favour on
compassionate ground. Such application of the petitioner

was rejected on the sole ground that 'no-objection' certificate from the other family members was not submitted. The petitioner had two brothers, who had predeceased the mother. The sister of the petitioner is married and she resides elsewhere. Hence, she is not a family member. As per Clause 2(m) of the West Bengal Public Distribution System (Maintenance and Control) Order, 2013, family members, who are wholly dependent on the dealer or distributor at the time of death, are required to file 'no-objection' and not all family members. Such 'no-objection' from dependent family members can be of a relevant consideration. To buttress his contention, he relies on a decision of this Court passed in ***Gurupada Das versus State of West Bengal & Ors. (MAT 842 of 2022 with CAN 1 of 2022)***. He seeks that the matter be relegated to the concerned authority for causing necessary enquiry as to family members who were dependent on the deceased dealer at the time of her death.

Mr. Supratim Dhar, learned Advocate for the State-respondents submits that the widows of pre-deceased sons and the married daughter who, as per instruction, is now widowed were also dependent on the dealer at the time of her death. He also submits that the matter be enquired by the concerned authority so far as the dependency of the other family members on the deceased dealer are concerned.

In view of the submissions advanced on behalf of the parties, the Sub-Divisional Controller, Food and Supplies, Ranaghat being respondent no.4 is directed to cause enquiry as to family members who were dependent on the dealer Smt. Maya Rani Pal (since deceased) at the time of her death within a period of two months from the date of communication of this order after giving an opportunity of hearing to all the concerned parties including the petitioner and thereafter decide the aspect of furnishing 'no-objection' by the concerned family members as well as the application of Sri Dulal Pal (petitioner) for engagement as FPS dealer in place of his deceased mother Late Maya Rani Pal.

Petitioner is directed to communicate this order to respondent no. 4, Sub-divisional Controller, Food and Supplies, Ranaghat.

With the above observations, the writ petition being **WPA 27863 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of the order, if applied for, be given parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)