

WPA 4721 of 2022

Syed Sah Hasan Ali

Vs.

The State of West Bengal & Ors.

Mr. S.K. Hymayan Reza

...for the petitioner

Mr. Amrita Lal Chatterjee

...for the State

Syed Ejharul Haque, the father of the petitioner was a M.R. dealer and kerosene dealer having M.R. Dealer Licence No. 8/NH-II/09364 and Kerosene Licence No. 93/RPH/03 and had running the M.R. shop at mouza Bara under P.S. Nalhati, District – Birbuhm. After demise of the said ration dealer, the elder brother of the petitioner, Syed Mahataram Ali was appointed as a M.R. Dealer and SK Oil dealer at the same place.

The present petitioner submits that he was totally dependent upon the income of the business of dealership of his father but depriving the present petition, the licence was issued in favour of his elder brother, Syed Mahataram Ali. It is the further case of the petitioner that several representations were made to the concerned authority but the authority has not considered the representations.

Learned counsel, Mr. Chatterjee, appearing on behalf of the State authority submits that the appointment of M.R. dealer and S.K. Oil dealer was

issued in favour of Syed Mahataram Ali by adopting the formalities under compassionate ground.

It appears that the present petitioner has made representation to the concerned authority but it was not duly considered. However, had the petitioner actually dependent upon the business of his father, namely, Syed Ejharul Haque, the “no objection” of the petitioner is must required before issuing of licence in favour of Syed Mahataram Ali as per the provisions of West Bengal Public Distribution System (Maintainance and Control Order) 2013.

Under the above observation the writ petition is disposed of with the direction to the concerned respondent No. 3 to consider the representation of the petitioner (annexure P3 of the writ petition) and dispose of the same after giving a reasonable opportunity of being heard to all concerned.

The respondent authority shall dispose of the representation as early as possible, more preferably within four weeks from the date of communication of this order. The decision of the respondent authority shall be communicated to the petitioner within two weeks thereafter.

Needless to mention hereinafter the respondent authority shall dispose of the representation according to the law laid down by this Court in Gurupada Das vs. State and the provisions made in Control Order, 2013.

(Subhendu Samanta, J.)