

10.09.2024
SL No.17
Court No.24
Ali

WPA 22041 of 2024

**Mosraf Hossain
Versus
The State of West Bengal & Ors.**

Mr. Surajit Basu,
Mr. Narattam Acharyya
.....for the petitioner.
Ms. Sananda Bhattacharyya
.....for the respondent No.6.
Ms. Sonal Sinha,
Ms. Ashmita Chakraborty
.....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

It is the submission of the petitioner that the
FPS licence was given to the private respondent No.
6 under the compassionate ground. He is the
younger brother of the private respondent No.6 and
after through verification of the documents available
on record, it is his all belief that the licence was
obtained by his elder brother illegally. For the
reasons, he filed a representation by the authority
concerned on 27th February, 2024 (annexure-P/8). It
is the case of the petitioner that on receiving such
representations the authority concerned has issued
a letter fixing a date of hearing on 5th of March,
2024. On that date the petitioner appeared before
the authority concerned but the hearing was not
conducted.

Hence this writ petition.

learned counsel appearing on behalf of the respondent authority concerned submits that the hearing could not be conducted on the fixed date due to the unavoidable reasons if necessary direction be passed the authority concerned can hear out the parties.

Learned counsel appearing on behalf of the private respondent submits that the instant writ petition is infructuous. The private respondent was given the licence when the petitioner was in the womb of the mother. The materials as enumerated in the representations are false and fictitious so the writ petition cannot be entertained.

Considering the submissions, it appears to me that the submission made on behalf of the private respondent No. 6 has substance. However, the merit can only be decided by the authority concerned. Thus, the instant writ petition is disposed of with the direction to the authority concerned to hear out the parties and pass a reasoned order in respect of the representation of the present petitioner being (annexure-P/8 of the writ petition) within six weeks from the date of communication of this order.

The authority concerned shall hear out both the parties and shall pass the reasoned order according to the prevalent rules and according to the law.

The decision thereof be communicated to the parties within two weeks thereafter.

Under the above observation the write petition is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)