

WPA 22209 of 2024

**Nasir Uddin Dewan
Vs.
The State of West Bengal & Ors.**

Mr. Ram Anand Agarwala
Ms. Nibedita Pal
Mr. ananda Gopal Mukherjee
Ms. Sonam Ray
Ms. N. Khatoon

....for the petitioner

Ms. Sonal Sinha
Mr. Amrita Lal Chatterjee

....for the State

Mr. Shrayam Bhattacharyya
Mr. Md. Rizwan Alam

.....for the respondent No. 5

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

Father of the petitioner, namely, one Moslem Ali Dewan was appointed as MR dealer at Mouza – Bansra. Because of old age and physical problem, the petitioner's father submitted an application on 13th May, 2002 to the Sub-Divisional Controller, Food and Supplies, (SCFS) concern for induction of the petitioner and one of his other sons (respondent No. 5) as partners in the MR dealership business. The said application was considered favourably and the appointment letter dated 17th May, 2004 was issued by the SCFS recording the names of all three partners in respect of the said business. It is the case of the petitioner that the petitioner having 70% of the share at that time, petitioner's father had 20% share and respondent No. 5 had 10% share of the said business. However the father of the petitioner died on 10th August, 2008. After the demise of the father the

petitioner acquired 90% share in the said business. One memo was issued by the concerned authority on 15.07.2024 for submission of application for reconstitution of the partnership firm after demise of erstwhile partner, namely, Moslem Ali Dewan. The present petitioner has submitted an application with the authority concerned on 22nd August, 2024 for appointment of the petitioner as a dealer in his individual capacity under the compassionate ground. It is the case of the petitioner that the authority concerned has not taken any decision on the basis of the said representation. Hence this writ petition.

Learned counsel appearing on behalf of the respondent No. 5 submits that according to the provisions of Chapter 20(VII) of the WBPDS (M&C) Order, 2013, the authority cannot allow the present petitioner individually in respect of the licence of the business. He further submits that the respondent No. 5 may not be excluded from the partnership business.

Mr. Chatterjee, learned counsel appearing on behalf of the State authority submits that let a specific direction be passed upon the concerned authority to take an appropriate decision.

Having heard the submissions of the parties and considering the writ petition along with annexures thereof it appears to me that the concerned authority has not decided the issue regarding the fact whether the licence which was running by the

partners can be granted to the petitioner on compassionate ground. The respondent No. 1 is directed to take a reasoned decision on the basis of the representation of the present petitioner (being annexure P4 of the writ petition dated 22nd August, 2024) within six weeks from the date of communication of this order. In deciding such issue the Principal Secretary, Food and Supply Department shall allow the petitioner as well as the private respondent No. 5 to submit their claims and shall give them reasonable opportunity of being heard and shall pass a reasoned decision on merit according to the provision of law.

With the above observations, the writ petition is disposed of.

The authority concerned shall intimate the decision to the parties within two weeks of the date of passing of the order.

(Subhendu Samanta, J.)