

07.10.2024
SL No.54
Court No.24
Ali

WPA 23613 of 2024

**Prasanta Mondal
Versus
The State of West Bengal & Ors.**

Mr.Saikat Chatterjee
Mr. Palash Bapari

.....for the petitioner.

Ms. Sonal Siinha,
Ms. Ashmita Chakraborty

..for the State.

Ms. Ashmita Chakraborty appears on behalf
of the State.

Mother of the petitioner Bimala Bala Mondal
was an FPS Dealership at Mouza-Satyopol, J.L. No.
62, Plot No. 211, Khatyan No. 166, Village:
Satyopol, under Police Sttion Haringhata, bearing
License No. NAD-KYLN-HNGT-133601400073-17.
Bimala Bala Mondal expired on 14.08.2017 leaving
behind four sons namely, (1) Prasanta Mondal, (2)
Susanta Mondal, (3) Ananta Mondal and (4)
Sukanta Mondal along with three daughters, namely
(1) Namita Mondal (married), (2) Pampa Mondal
(married), and (3) Babita Shailya (married).

It is the case of the petitioner that after
demise of his mother he applied for the licence with
the authority under compassionate ground. The
authority concerned has accepted the application
and initiated a proceeding. In such proceeding one

affidavit was filed. Affidavit sworn by all other heirs of Namita Mondal before the Judicial Magistrate 1st Class Barrackpore 24-parganas (North), containing “No Objection” of other legal heirs of Bimala Bala Mondal regarding given FPS licence in favour of the present petitioner.

The authority concerned has fixed a date of hearing of all the legal heirs. The other legal heirs has appeared before the authority concerned, but one brother of the present petitioner, namely, Sukanta Mondal did not appear. The authority asked him to appear personally in the hearing but he did not turn up. Finally, on 19th June, 2022 the authority concerned has issued a memo No. 393 to Sukanta Mondal asking him to appear before the authority concerned in respect of his NOC in favour of the present petitioner. It has also been mentioned in the said memorandum that if he did not appear on the fixed date i.e. on 16th June, 2022, the matter would be heard ex-parte.

It is the case of the present petitioner that since then no information was received by the petitioner from the authority concerned regarding fate of his application for the vacancy under compassionate ground. So after long two years he appears before this Court for relief.

Learned counsel appearing on behalf of the State authority submits that without specific instruction from the authority concerned it is not possible for her to enlighten the matter before this Court.

Considering the submissions, considering the matter and record it appears that the proceeding was conducted by the authority concerned to fill up the vacancy on compassionate ground. The filling up vacancy of Fair Price Shop on compassionate ground and its procedure thereof has been specifically dealt with by a Division Bench of this Court in ***Gurupada Das Vs. State of West Bengal.***

The learned Division Bench has specifically formed a guideline in the above mentioned decision, how the application for compassionate appointment can be disposed of.

It appears to me that more than two years has been elapsed after the last communication of the authority concerned to the persons, namely Sukanta Mondal. At this juncture, I think it necessary to dispose of the writ petition by issuing a direction to the authority concerned to dispose of the matter as early as possible.

Under the above observation, the instant writ petition is disposed of with a direction to the authority concerned to take a decision in the matter

in respect of appointment of the dealership in favour of the petitioner under the compassionate ground as early as possibly most preferably within eight weeks from the date of passing of this order,

The authority concerned must conclude the exercise by virtue of the decision of Hon'ble Division Bench of the Court passed in ***Gurupada Das Vs. State of West Bengal*** the authority must intimate the decision to the petitioner within two weeks after the decision.

Under the above observations, the instant writ petitioner being **WPA 23613 of 2024** 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.)