

18.11.2024
SL No.20
Court No.24
Ali

WPA 25766 of 2024

**Dilip Kumar
Versus
The State of West Bengal & Ors.**

Mr.Falguni Bandyopadhyay,
Ms. Riya Ballar

.....for the petitioner.

Mr. R. Sarkar,
Mr. Soham Sen

.....for the State.

The father of the writ petitioner, namely, Sristidhar Kumar was a M.R. Dealer who died on 29th of April 2021 living behind two sons and one daughter.

It is the case of the petitioner that he applied for the licence of M.R. Dealership on compassionate ground before the authority concerned on 22nd June, 2021. He also placed the specific application through Form 'C' along with the requisite fees.

It is the case of the petitioner that the said application also annexed the no objection of other legal heirs of deceased licence holders. It is the positive case of the petitioner that the concerned authority has not considered the application of the present petitioner on compassionate ground but has issued a fresh vacancy. He prayed for necessary direction so that the vacancy notification dated 31st May, 2024 be cancelled.

Learned counsel appearing on behalf of the State authority has submitted that the no objection certificate issued by the legal heirs of the deceased M.R. Dealer (Sristidhar Kumar) was not annexed with the writ petition. Moreover, the notification has already been issued. At this juncture, that cannot be stalled.

Having heard the learned counsel for the parties also considering the materials on record it is admitted fact that the petitioner is one of the sons of the deceased M.R. Dealer (Sristidhar Kumar). It appears from annexure P-6 of the writ petition that petitioner has applied for licence under compassionate ground in Form-‘C’. It is true that the authority concerned has to dispose of the application of the petitioner before issuing the vacancy notification. At this juncture, I find justification to pass an appropriate order.

The respondent No. 4/Sub-Divisional Controller of Food and Food Supply is directed to take decision in respect of the application of the petitioner dated 22nd June, 2021 for providing him the licence on compassionate ground within six weeks from date.

The respondent No. 4 shall pass a reasoned order according to the provisions of law, after hearing the present petitioner and shall serve the

reasoned order upon the petitioner within two weeks thereafter.

Till then the State authority may proceed to act upon the notification dated 31st May, 2024 but so far as the commissioning of licence is concerned, that cannot be issued till the decision be intimated to the petitioner as mentioned hereinabove.

Under the above observation, the writ petition is disposed of.

As the affidavit are not exchanged. The allegation made in the writ petition shall be deemed to have been not admitted.

This Court has not gone into the merits of this matter, the concerned respondent No. 4 is at liberty to dispose of the application of the petitioner, according to the law, without being influenced by any observation of this Court in this writ petition.

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

(Subhendu Samanta, J.)