

09.12.2024
Ct. No. 24
Sl. No. 28
tbsr

WPA 26870 of 2024

Nagendra Nath Das
Vs.
State of West Bengal & Ors.

Mr. S.P. Lihiri
Mr. Munjel Alam
Md. Habibur Rahman
....for the petitioner

Ms. Sonal Sinha
Ms. Ashmita Chakraborty
.....for the State respondent

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

MR License in question was previously run by
one Promila Das. After her demise her sons, namely,
Shyamal Kumar Das and Amal Kumar Das, being the
heirs of deceased MR Dealer has given license after
having no objection from the petitioner. It is not out of
place to mention herein that, the present petitioner is the
husband of previous MR Dealer, Promila Das. The
license was granted on compassionate ground in favour
of Suchitra Das, wife of Shyamal Kumar Das and Amal
Kumar das. Amal expired. It is the case of the petitioner
that the respondent no. 8 being the wife of Amal Kumar
Das has forged the signature of the petitioner and
without receiving no objection form applied for the

licence. The authority concerned without hearing the petitioner has issued FPS license in favour of private respondent no. 8.

The petitioner has made a representation before the Authority on 27th August, 2024 (P-5 of the writ petition) containing, *inter alia*, that private respondent no. 8 has not taken NOC from the petitioner for using the land of the petitioner as a proposed godown-cum-shop room of the FPS. Furthermore, she has forged the signature of the petitioner for getting license. The concerned authority has not responded the representation.

Hence this writ.

Ms. Sonal Sinha, learned counsel appearing on behalf of the State respondent has referred the relevant provisions of Clause 20 sub-Clause 6 of WBPDS (M&C) Order 2013 and has pointed out that being a widow of existing MR Dealer, it is not required to file no objection for applying MR Dealership license under compassionate ground. Ms. Sinha further argued that Form 3 does not contend no objection in respect of the land used by proposed MR Dealer.

Having heard the learned counsel for the parties and also considering the allegation made in writ petition (P-5 of writ petition) it appears to me that the concerned authority has issued FPS license in favour of respondent

no. 8 after demise of erstwhile joint MR Dealer, Amal Kumar Das (deceased). It appears to me that the widow of deceased MR Dealer not required to file no objection; till then the allegation made in the representation being grievous one, has to be investigated by the authority.

Make it clear that no persons be allowed to have a sort license after obtaining fraud. Under the above observation, the writ petition is disposed of.

The authority concerned is directed to make a specific enquiry in respect of the representation of the petitioner dated 27th August, 2024, after such enquiry the respondent authority shall hear the petitioner and the other allied persons and shall pass a reasoned order within six weeks from the date of communication of this order. The said reasoned order shall be intimated to the petitioner within two weeks thereafter.

Under the above direction the writ petition is disposed of.

This Court has not entered into the merits of this matter. The respondent authority is at leave to decide the matter independently without being influenced any observation of this Court.

As affidavits are not exchanged, the allegation made in the instant writ petition shall be deemed to have been not admitted.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Subhendu Samanta, J.)