

0505
2025
MONDAY

Court : CB-07
Item : DL-05
Bench : SINGLE
Matter : WPA
Status : DISMISSED
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21659 OF 2022

ASIT KUMAR DAS
VS.

THE STATE OF WEST BENGAL& ORS.

MR. PARTHA CHAKRABORTY, ADVOCATE
MR. MD. OBAID, ADVOCATE

.....for the Petitioner

MR. BISWABRATA BASU MALLICK, LD AGP
MR. BIMAN HALDAR, ADVOCATE

.....for the State

1. The present writ petition has been filed by the petitioner seeking a direction upon the concerned respondent to grant him a vending license on compassionate grounds.
2. The petitioner states that his late father had obtained a vending license from the competent authority and had been operating as a licensed stamp vendor within the premises of the Sub-Registrar's Office, Uttar Dinajpur. Following the death of his father in 2001, the petitioner approached the concerned authority with a prayer for issuance of a vending license in his favour on compassionate grounds.
3. The concerned authority considered the petitioner's request; however, the license could not be granted as the petitioner had exceeded the upper age limit of 35 years. Subsequently, the petitioner approached the authority, requesting a relaxation of the upper age limit for the grant of the license. However, no decision has been made regarding his request for a relaxation of the age limit or the grant of the license.
4. After almost 16 years, the petitioner has approached

this Court.

5. Mr. Md. Obaid, learned advocate representing the petitioner, submits that it is undisputed that the petitioner's father had, during his lifetime, operated a stamp vending license from the premises of the Sub-Registrar's Office, Uttar Dinajpur. Upon the demise of his father, the petitioner promptly approached the concerned authority, however, the authority failed to take any timely decision on the petitioner's application. He further submits that an appropriate direction should be issued to the concerned respondents to grant the vending license in favour of the petitioner.
6. Mr. Biswabrata Basu Mallick, learned Additional Government Pleader representing the State, vehemently opposes the petitioner's contention.
7. Heard the learned Advocate for the parties. Perused the materials-on-record.
8. Admittedly, the petitioner's father passed away in 2001, and the petitioner's application for the grant of the license was last processed in 2006. Thereafter, the petitioner did not take any further steps and has only now, after a lapse of 16 years, approached this Hon'ble Court. At this stage, the petitioner has attained the age of 69 years.
9. In light of the facts and circumstances of this case, I find no justification to direct the respondents to grant the petitioner the benefit of a relaxation of the upper age limit or to issue the vending license in his favour as I do not find that the petitioner has acquired any legal right to compel the respondents to grant a relaxation of the age limit or to issue a vending license after having attained the age of 69 years.

10. With these observations, **WPA 21659 of 2022** is **dismissed**.

(PARTHA SARATHI CHATTERJEE, J.)