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22.04.2026
Ct No.11
rrc

MAT 323 of 2026
with
CAN 1 of 2026
and
CAN 2 of 2026

(Laxmi Tamta Saha Vs. The State of
West Bengal & Ors.)

Md. Sarwar Jahan
Mr. Sayantan Hazra
Ms. Shalini Sen
Ms. Sahina Parvin

... For the appellants

Mr. Suman Sengupta, Sr. Adv.
Ms. Amrita Panja Moulick

..... For the State respondents

Mr. Timir Baran Saha

..... For the respondent no. 7

The present appeal has been preferred by the writ petitioner/appellant herein challenging an order dated 14th November, 2025 passed by the learned single Judge in the writ petition being WPA 21837 of 2025. The appeal being a belated one has been filed along with an application of condonation of delay being CAN 1 of 2026. Upon hearing the learned advocates appearing for the respective parties and considered the materials on record, we are satisfied with the explanation given towards the delay in preferring the present appeal. Accordingly, such

delay is condoned and the application being CAN 1 of 2026 is disposed of.

Records reveal that the writ petition was preferred challenging an order dated 25th April, 2025 passed by the respondent no. 6. The learned single Judge refused to exercise discretion in favour of the appellant observing *inter alia* that the order impugned in the writ petition has been passed in compliance of orders dated 11th February, 2022 and 19th March, 2025 passed in earlier writ petitions preferred by the respondent no.7 herein.

Mr. Jahan, learned advocate appearing for the appellant submits that considering the appellant's claim on compassionate ground, she was granted a FPS license. However, due to the complaint lodged by her mother-in-law being the respondent no. 7 herein and the order dated 25th April, 2025 passed by the respondent no. 6, she has been illegally saddled with a liability to pay 1/3rd of the earnings from the license to the respondent no. 7.

He argues that the earnings from the said FPS license is the appellant's sole source of livelihood and due to the order directing her to share 1/3rd of the earnings it has become an impossibility for her to survive along with her minor child.

He further argues that the learned single Judge ought to have appreciated that the respondent no. 6

in the order dated 25th April, 2025 had failed to take into consideration the fact that the respondent no.7 had already earned a huge amount of money by transferring her property. Such argument, as advanced, was glossed over by the learned single Judge and no finding was returned on the same. Such infirmity warrants interference in the present appeal.

Mr. Saha, learned advocate appearing for the respondent no. 7, however, denies and disputes the contention of the appellant and submits the terms were set by the respondent no. 6 in his order 25th April, 2025 to which the parties agreed. In view thereof, the appellant now cannot take any different stand and the learned single Judge has rightly refused to exercise discretion in favour of the appellant.

Mr. Sengupta, learned senior Government advocate appearing for the State respondents submits that the respondent no. 6 has taken steps in consonance with the earlier directions of the Court and that as such no interference is called for in the present appeal.

In reply, Mr. Jahan, however, submits that in view of the acute financial distress and as the appellant was not being able to earn from the license granted, she had no other option but to agree to pay 1/3rd of

the earnings to the respondent no. 7. In view thereof and to balance the equities amongst the parties, the order needs to be revisited by the respondent no. 6.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Records reveal that there had been a serious dispute amongst the appellant and the respondent no. 7, who happen to be widow and the mother of the deceased licensee. The issue could not be settled for a substantial period of time. There were earlier litigations amongst the parties and ultimately the matter was relegated for consideration to the respondent no. 6 with an observation that the appellant shall take due care of her mother-in-law out of the earnings from the said license. Taking into consideration such earlier direction, the respondent no. 6 passed an order dated 25th April, 2025 and in the said conspectus, the learned single Judge refused to exercise discretion in favour of the appellant moreso when the terms and conditions in the order dated 25th April, 2025 were agreed to by the appellant and the respondent no.7.

The learned single Judge upon dealing with the factual issues arrived at specific findings and we do not find any patent error of law in the order impugned.

Accordingly, the appeal and the stay application being CAN 2 of 2026 are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Rai Chattopadhyay, J.)

(Tapabrata Chakraborty, J.)