

15. 08.01.2026.
Court No.25.

(Pritam)

WPA 28304 of 2025.

Aparna Mondal.

-Vs.-

State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Pronoy Basak,
Ms. Sadia Parveen,
Ms. Aishwarya Dutta.

....for the petitioner.

Mr. Suman Sengupta,
Ms. Amrita Panja Moulick.

.....for the State.

1. Affidavit-of-service filed by the petitioner is kept with the records. In spite of service, no one appears for the private respondents.
2. The petitioner has filed the present writ application being aggrieved and dissatisfied with a part of the order passed by the Presiding Officer, Maintenance Tribunal, Rampurhat Sub-Division & Sub-Divisional Officer, Birbhum, Birbhum in Case No.01/PG/Maintenance/SDO-RPH/2024 dated 27th August, 2024, wherein the Presiding Officer has directed the Sub-Divisional Controller, Food and Supplies, Rampurhat, Birbhum to review in the light of the above observations. The entire proceeding of transferring the MR Dealership Licence from Aparna Mondal to Paresh Mondal and after giving an

opportunity of hearing to all the concerned parties will record a reasoned order and a copy of the reasoned order be served upon the concerned parties.

3. Learned counsel for the petitioner submitted that the petitioner has made a complaint to the Sub-Divisional Officer under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "said Act), alleging that the private respondent no.6 has got transfer the MR Dealership Licence in his name without the consent of the petitioner. He further submits that the petitioner has right over the said shop in terms of Section 2F of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 but without following due process of law, the licensees transferred in the name of respondents .
4. Learned counsel for the petitioner submitted that the Sub-Divisional Officer does not have any jurisdiction to delegate the matter to some other authority for taking decision. Accordingly, he prays for setting aside the said part of the order.
5. Learned counsel appearing for the State raised the point of maintainability of the present writ application on the ground that the order passed by the Sub-Divisional Officer is appealable order under Section 16 of the said Act. But instead of filing the appeal, the petitioner has filed the writ application under Article

226 of the Constitution of India, which is not maintainable.

6. Learned counsel for the State submits that the petitioner has challenged the order of transfer of MR Licence in the name of the private respondent no.6, the Sub-Divisional Officer is not the authority under the Essential Commodities Act and accordingly the SDO has rightly directed the Sub-Divisional Controller, Food and Supplies, Rampurhat, Birbhum, who is the competent authority under the Essential Commodities Act to decide the said issue. He further submits that under Section 23 of the Essential Commodities Act, the petitioner is only a licensee and the property does not belong to the petitioner and thus the petitioner cannot pray for any relief before the SDO.
7. Heard learned counsel for the respective parties and perused the material on record.
8. This Court finds that the grievance of the petitioner before the SDO that the respondent no.6 taking due advantage of account the old age of the petitioner and without consent of the petitioner has transferred the licence of MR shop in his name. The SDO was of the view that he cannot decide whether the transfer of the name in the licence is correct or not. The SDO ought to have directed the parties to take appropriate steps before the appropriate authority challenging the transfer of licence but the SDO has delegated the

matter to the Sub-Divisional Controller, Food and Supplies, Rampurhat, Birbhum for consideration which, this Court is of the view that the Sub-Divisional Officer has exceeded his jurisdiction.

9. Accordingly, the first part of the order, wherein the SDO has delegated the matter to the Sub-Divisional Controller, Food & Supplies, Rampurhat, Birbhum for consideration of the case of the petitioner for change of the transfer of the licence of the petitioner in the name of the respondent no.6 is without jurisdiction. Accordingly, the said part of the order is set aside.
10. This Court finds that the impugned order is only an interim order and the SDO has not concluded the said proceeding. Accordingly, the SDO is directed to conclude the proceeding within a period of six weeks from the date of receipt of this order.
11. With the above observations and directions, WPA 28304 of 2025 is disposed of.

(Krishna Rao, J.)