

Court No.05 02.03.26
JPD
Item no. 24 BR

In The High Court At Calcutta
In the Circuit Bench at Jalpaiguri
Appellate Side

W.P.A. 2840 of 2022
Shri Ajoy Ghosh

-vs-

The State of West Bengal and Ors.

Mr. Rajyashree Ghosh
... for the petitioner

Mr. Subir Kumar Saha,
Mr. Pradip Sarkar
... for the State

1. The writ application has been preferred praying for setting aside or rescind the letter being memo number 1111/SCFS/SLG dated 19/10/2022 passed by the respondent.
2. It appears that vide the impugned order the Sub-divisional Controller, respondent no. 3 directed the petitioner as follows:

“With reference to the above subject , the undersigned would like to inform you that your application for engagement of FPS dealership on compassionate ground in place of deceased mother Lt. Ava Rani Ghosh Ex-FPS Dealer has not been recommended.

In this connection , again you are requested to kindly submit rent-receipt/tenancy agreement and land documents against your proposed shop cum godown within 7 days from the date of receipt of this letter failing which

necessary steps will be taken as per WBPDS(M & C) order 2013.

This is for your information.”

3. Pending hearing of the writ application, the petitioner herein has been evicted from the said premises and as such the petitioner could not produce documents as called for by the respondent no. 3 vide the memo dated 19.10.2022.
4. Learned counsel for the respondent/State submits that the vacancy in this case arose after the death of the original licensee, the mother of the petitioner herein, whose claim in the present case, is on compassionate ground.
5. It is further submitted by the State that after the death of the original licensee, the ration card holders have been tagged with a nearby FPS dealership.
6. Learned counsel for the petitioner has now renewed his prayer stating that he is ready and willing to provide his ownership premises which meet the requirement for such consideration and issuance of license by the respondent no. 3. Documents in support of his contention have been filed by way of supplementary affidavit. Copy served upon the learned counsel for the State.
7. Considering all these facts, the writ application is disposed of with the direction that the respondent no. 3 shall consider the prayer of the petitioner

afresh on the basis of the fresh documents filed and the petitioner is at liberty to produce all the original documents before the said authority, who on consideration that if the petitioner meets all the requirements, which is necessary for the State to issue such license, shall consider the prayer of the petitioner in accordance with law and the matter be decided within three months from the date of communication of this order.

8. It is further submitted by the learned counsel for the State that the vacancy in the present case could not notified as the matter has been sub-judice before this Court since the death of the original licensee.
9. WPA 2840 of 2022 stands disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)