

26.2.2026
Item no. 04
Court no. 10
g.b.

WPA 17530 of 2024
With
CAN 1 of 2026

Biswajit Chakraborty
Vs.
The State of West Bengal & Ors.

Ms. Setu Das Roy
Ms. Suranjana Nandi
..... For the Petitioner
Mr. Swapan Kumar Dutta, learned G. P.
Mr. Soumen Chatterjee
....For the State
Mr. Pankaj Agarwal
.....For the Respondent no.5

The main challenge thrown in this matter is with regard to an application made for compassionate appointment which has been rejected on the ground of non-submission of the "No Objection Certificate" from the legal heirs.

Apropos the facts of the case is that the licenced dealer has already expired on 25.01.2022 leaving behind four legal heirs namely, two married daughters, and two sons. The petitioner herein being one of the son made an application for compassionate appointment in respect of the licence of the deceased dealer to run the FPS dealership business.

The petitioner submits that the dealership licence has already been tagged with another dealer and has come to learn through a reliable source that very shortly the supply shall be stopped and the entire operation shall come to rest.

The private respondents being one of the legal heirs of the deceased dealer submits that already in pursuance of an order of this Court dated 26.04.2023 passed in WPA 9212 of 2023 a decision has been arrived at by the respondent No. 4 on 24.06.2024 which is reproduced below:

“As per West Bengal Public Distribution System (M & C) 2013, GO No. 2347-/FS/Sectt./Food/4P-09/20212 dated 08.05.2013, Part-I Clause 20(vi) while applying the applicant shall have to furnish No Objection from the family members in the form of an Affidavit before the 1st class Magistrate.

After going through the above facts and events it is stated that there is no provision for issuance of FPS licence on compassionate ground in favour of petitioner namely Sri Biswajit Chakraborty.

Hence, the prayer of the petitioner being devoid of any is hereby rejected considering all facts with compliance to the Hon’ble High Court Order as per provision of WBPDS (M&C) 2013.”

The private respondents submits that since the legal heirs are dependent upon the FPS income, therefore the petitioner being the sole applicant who runs the FPS business may refuse to maintain the other legal heirs of the deceased dealer by depriving them of their equal share in the FPS income.

In conspectus of the above, I find that the issue involved herein pertains to an inter se dispute between the legal heirs of the deceased dealer with regard to the running of the FPS dealership business. It appears from the earlier decision taken by the respondent No. 4 dated 24.06.2024 that the legal heirs have been found to be dependent on the FPS income.

The learned counsel appearing for the petitioner submits that she has already been instructed by her client to give an undertaking to provide the legal heirs with their rightful equal share of the deceased dealer's assets.

In view of the above, I direct all the legal heirs to settle the issue by entering into internal arrangement more so by way of a family settlement deed to legally formalise the equal sharing arrangement amongst all the heirs.

The learned counsel appearing for the petitioner shall file a compliance report on the even date and in the meantime the status quo to be maintained till 09.03.2026.

The application being CAN No. 1 of 2026 for early hearing is accordingly disposed of and the main Writ Petition No. 17530 of 2024 shall appear for further hearing on 09.03.2026 at 12.00 noon.

Let this matter appear on 09.03.2026 at 12 noon.

(Smita Das De, J.)