

20.03.2024
Ct. 654
D/L 13
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 27987 of 2023

With

CAN 1 of 2024

CAN 2 of 2024

Md. Samsuzzoha & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee

... for the petitioners

Mr. Debabrata Saha Roy

Mr. Pingal Bhattacharyya,

Mr. Subhankar Das,

... for the applicant in CAN 1 of 2024

Re: CAN 1 of 2024

This is an application for addition of party.

Mr. Debabrata Saha Roy, learned advocate for the applicant submits that father-in-law of the applicant, namely Abdul Moktar and late husband of the applicant namely, Md. Samsul Kabir used to run a partnership firm under the name and style of "*M/s Abdul Moktar*". FPS cum K. Oil Dealership licence was granted in favour of the said partnership firm. During the subsistence of such partnership firm, father-in-law Abdul Moktar died on 29th November, 2022. Subsequent thereto, the husband of the applicant filed an application before the concerned authority for conversion of the licence from partnership firm to sole

proprietorship. During the pendency of such conversion of licence, the husband of the applicant died on 18th August, 2023. The applicant thereafter made an application before the concerned authority for getting the said licence as sole proprietorship in her name. Though the other legal heirs of Late Abdul Moktar submitted their no-objection but the writ petitioners being one of the son and daughter respectively denied to endorse their no-objection to such grant. Accordingly, the application for grant of licence in favour of the applicant is still pending before the concerned authority. The writ petitioners have filed the instant writ petition for grant of licence in their favour. In such conspectus of facts, the applicant is a necessary party in the present proceeding. He seeks for impleading the applicant as party respondent in the present writ petition.

Mr. Pratip Kumar Chatterjee, learned advocate for the writ petitioners in reply submits that the petitioners were never called for any personal hearing in respect of the application of the applicant for grant of licence. Though the applicant has annexed her application dated 21st November, 2023 but from the notice for personal hearing, it appears that the applicant has also made another application on 11th September, 2023, which has not been annexed to the application. Since there is material non-disclosure on the part of the

applicant, he submits for dismissal of the application for addition of party.

It is found from the submission made at the Bar that there is a dispute with regard to grant of licence between the writ petitioners and the applicant. Annexure "Y" at page 116 of the application shows that the applicant made an application for grant of licence, which is still pending before the authority. In view of such fact, the applicant is a necessary party in the present proceeding.

Let the applicant, Najira Begam be impleaded as party respondent in the present writ petition.

Learned advocate for the petitioners is granted liberty to add the applicant as party respondent in the present writ petition.

Petitioners are directed to serve copy of the amended writ petition along with its annexures upon the learned advocate for the applicant/added respondent.

The application for addition of party being **CAN 1 of 2024** stands disposed of.

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Mr. Debabrata Saha Roy, learned advocate for the added respondent seeks to file affidavit-in-opposition to the writ petition.

Let such affidavit-in-opposition to the writ petition be filed by the added respondent within ten

days. Reply thereto, if any, be filed within a week thereafter.

Let the matter appear on **10th April, 2024** at the top under the heading "*Hearing (Group-VIII)*".

(**Bivas Pattanayak, J.**)