

Sudhir Kumar Biswas Vs State of West Bengal and Others

Court: Calcutta High Court

Date of Decision: Aug. 17, 2012

Hon'ble Judges: Jayanta Kumar Biswas, J

Bench: Single Bench

Advocate: Debabrata Saha Roy and Mr. P. Bhattacharyya, for the Appellant; Nibedita Pal and Mr. R. Dhara for the Seventh Respondent, for the Respondent

Judgement

Hon'ble Mr. Justice Jayanta Kumar Biswas

1. The petitioner and the father of the private respondent formed a partnership. The firm was appointed as an M.R. dealer. The partners were

jointly running the fair price shop concerned. The death of the private respondent's father caused dissolution of the partnership. The petitioner and

the private respondent jointly submitted application to the Sub-divisional Controller concerned for accepting the new partnership and permitting the

firm to run the fair price shop. The Sub-divisional Controller entertained the application and started the process.

2. Disputes and differences arose between the petitioner and the private respondent. As a result, the Sub-divisional Controller could not give the

decision.

3. The petitioner is contending that since the private respondent refused to sign the proposed partnership deed, the Sub-divisional Controller ought

to have granted the petitioner licence to run the fair price shop as the sole dealer. The position is disputed by the private respondent who is

represented by counsel.

4. It is not for this Court to decide whether the private respondent is justified in refusing to sign the proposed partnership deed. It is to be examined

by the Sub-divisional Controller who is to decide what will be the consequence of refusal, if any. I think, on the facts it will be appropriate to ask

the Subdivisional Controller to decide the matter immediately. For these reasons, I dispose of the WP ordering as follows. Within six weeks from

the date this order is served, the Sub-divisional Controller shall give his final decision after hearing the petitioner and the private respondent. No

costs. Certified xerox.