

S/L 7
06.08.2019
Ct. No. 12
SD

W.P. 14415 (W) of 2019

Sushil Oraon & Ors.
Vs.
State of West Bengal & Ors.

Mr. Saktinath Mukherjee, Sr. Adv.
Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Neil Bose

... for the Petitioner.

Mr. Sirsanya Bandyopadhyay
Mr. Suddhadev Adak

... for the State.

This is an application under Article 226 of the Constitution of India wherein the writ petitioners have filed this writ petition in a representative capacity seeking leave under Order 1 Rule 8 of the Code of Civil Procedure, 1908 read with Rule 12 of the Appellate Side Rules, Calcutta High Court.

The grievance of the writ petitioners is that by an order dated July 16, 2019, the Additional Secretary to the Government of West Bengal has reduced the allotment of food grains (rice and wheat) for the beneficiaries of tea garden areas of Siliguri Sub-Division of Darjeeling District from the month of August 2019.

The case of the writ petitioners is that this reduction has been made on the basis of a survey report carried out by self-help groups. The writ petitioners submit that such a survey has no basis in law and based on such survey, no reduction in the quantity of the food grains can be made by the State Government.

Mr. Bandyopadhyay, counsel appearing on behalf of the State, submits that the Government does not intend in any manner to deprive a single ration card-holder of his just dues. He submits that each ration card-holder, whether holding a digital card or non-digital card shall be entitled to his entire quota of rice and wheat under the Targeted Public Distribution System. He further submits that individuals shall have to be physically present with their ration card to avail of this benefit as done in earlier cases also. He has further submitted that Government always fills in and/or adds to the allotment, if required.

Upon the above undertaking given by Mr. Bandyopadhyay, counsel appearing on behalf of the State, I am of the view that this writ petition may be disposed of with the direction that the Government shall ensure that all the ration card-holders who are physically present shall be given the ration as per their dues.

In the event, individual persons are refused their allotted quota, they are always at liberty to approach this court for redressal of their grievance.

With the above observations, W.P. 14415 (W) of 2019 stands disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)