

18.06.2021
Court No. 19
Item no.16
CP

WPA No. 630 of 2021

Sanjoy Keshri
vs.
State of West Bengal & ors.

(via video conference)

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu

.....for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal

....for the State.

The writ petition has been filed by an heir of the deceased M. R. distributor. The application of the petitioner was made as per the appropriate control order of 2013. The case of the petitioner was considered by the authorities on three occasions. Several queries had been raised. The petitioner answered to those queries and by an order dated June 27, 2019 the District Controller (F & S), Birbhum wrote to the Deputy Director (Licence), Directorate of District Distribution, Procurement & Supply observed that the case of the petitioner could be decided favourably as the petitioner fulfilled all the guidelines. Such order has been annexed to the writ petition at page 28 as Annexure P8. The papers were accordingly sent to the higher authority.

Mr. Sengupta, learned advocate for the State respondents, submits that the ultimate approval comes from the State Government and the file is lying with the Secretary and Commissioner of Food, Government of West Bengal, i.e., the respondent no. 2.

Under such circumstances, without going into the merits of the case, the respondent no. 2 is directed to give a decision with regard to the prayer of the petitioner as per the records and recommendations in accordance with law. In case the said decision is in favour of the petitioner then the appropriate authorities shall grant M.R. distributorship to the petitioner within a period of four weeks from date. However, in case it is found that the petitioner is not eligible for such approval, then a notice of hearing shall be given to the petitioner and the petitioner shall be allowed to appear for such hearing and substantiate his case. Upon hearing the petitioner, and other interested party if any, a reasoned order shall be passed and communicated.

This exercise shall be completed within a period of eight weeks from date.

The concerned authorities shall proceed independently and in accordance with law.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

All parties are to act on the server copy of this order.

(Shampa Sarkar, J.)