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27.07.2021.
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 10580 of 2021
(Via Video Conference)**

**Nilkamal Pandit
-versus
State of West Bengal & Ors.**

**Mr. Sagarmoy Ghosh.
...For the Petitioners.**

**Mr. Ram Anand Agarwal,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Mr. Ramesh Dhara.
...For the Respondent
No. 7.**

**Mr. Susovan Sengupta,
Ms. Supriya Dubey.
...For the State.**

The petitioner is aggrieved by the order dated 17th April, 2021 passed by the Secretary, Department of Food & Supplies, Government of West Bengal in compliance of the order dated 22nd December, 2020 passed by the Hon'ble Division Bench of this Court in the matter of Subhas Chandra Bhunia –vs- The State of West Bengal & Ors. (FMA 2134 of 2018). By the order dated 17th April, 2021, the license of Subhas Chandra Bhunia, the private respondent herein which was terminated has been restored.

Consequent upon such restoration, the vacancy declared in the selfsame dealership of Sri Bhunia or the selection process started stood cancelled.

The petitioner happens to be a customer of Subhas Chandra Bhunia, who is a Fair Price Shop dealer.

According to the petitioner, the aforesaid Subhas Chandra Bhunia committed certain irregularities in his business. A complaint was filed against Sri Bhunia in the office of respondent authorities, pursuant to which a show cause notice-cum-suspension order was issued.

The matter travelled to the Court at the instance of Sri Bhunia and by the judgment dated 22nd December, 2020 the Hon'ble Division Bench of this Court remanded the matter back to the Principal Secretary of the department for deciding the issue.

The order impugned has been passed in compliance of the said order.

The petitioner apprehends that the private respondent i.e. Subhas Chandra Bhunia will once again carry on the same irregularities as he committed on the earlier occasion.

The learned advocate appearing for the private respondent submits that the petitioner does not have the locus standi to move the instant writ petition. The prayers made by the petitioner has been referred to by the private respondent and submitted that the petitioner does not have the authority to move the writ Court for the purpose of protection of the lives and dignity of the villagers.

It has been submitted that the instant writ petition is not a Public Interest Litigation and the same is liable to be dismissed.

The learned advocate appearing for the State respondents submits that the impugned order has been passed in compliance of the direction passed by the Hon'ble Division Bench of this Court.

Upon hearing the submissions made on behalf of all the parties, it appears that the petitioner has moved the writ petition on the apprehension that the private respondent may commit certain irregularities at the time of doing business.

The petitioner has not been able to come forward with any instance showing that after the license was restored in favour of the private respondent any irregularity has been committed by him.

Accordingly, I do not find any reason to entertain the writ petition.

The writ petition appears to be a premature one and has been filed only on apprehension of irregularity which may be committed by the private respondent.

The writ application, accordingly, stands dismissed.

In the event any irregularity is actually committed by the private respondent the petitioner will be at liberty to take steps as permitted in law.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)