

Court No. 24
23.08.2021
(Item No. 8)
(AB)

W.P.A. 12812 of 2021
(via video conference)

Tapan Kumar Mondal
VS
The State of West Bengal & Ors.

Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee
..... For the petitioner

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
..... For the State

Affidavit of service filed in Court is taken on record.

The petitioner was M.R. Licensee. As he was unwell he made an application before the Controller, Food and Supply, Baruipur Sub-Division on 30.08.2011 to tag his ration cards with the nearby dealer temporarily. The prayer of the petitioner stood allowed. By an order dated 06.09.2011 issued by the Inspector (Food and Supplies), Bhangore – I it has been mentioned that depending upon all facts the entire ration cards may be tagged with M.R. dealer Shankar Kumar Mondal for six months.

According to the petitioner, his license was renewed up to 31.12.2014, thereafter, application was made for renewal of license but formal renewal has not been made by the department.

The petitioner thereafter, made an application on 24.10.2016 praying for resumption of the business. By an order dated 28.10.2016 the Sub-

Divisional Controller intimated the petitioner that his prayer regarding reinstatement lapsed and M.R. dealer license cannot be considered in the light of the West Bengal Public Distribution System (M&C) Order, 2013.

The petitioner being aggrieved by the said order preferred an appeal before the District Controller on 23.12.2016. According to the petitioner, the said appeal is pending till date. The O.S.D. and E.O., Joint Director (License) sought for a report from the District Controller with regard to the appeal filed by the petitioner. The matter has not been concluded till date.

The petitioner presently challenges the vacancy notice issued on 17.03.2020 in respect of the same area. The petitioner alleges that he was not aware of the vacancy notice at the time of its publication but it is only after July 2021, when the enquiry was made to process the vacancy notice, the petitioner got knowledge of the same.

The petitioner prays that the vacancy notice may not be given effect to at the moment as his appeal is pending consideration.

The learned advocate representing the State respondents submits, upon instructions, that the gazette notification was published in March 2020 and any person who is interested to continue in the

business of the said area ought to have taken notice of the said notification.

It has further been submitted that tagging all the ration cards is completely different with resumption of business. The petitioner did not continue his business from 2011 to 2021 and at such a distant time the prayer of the petitioner for resumption of the business cannot be allowed by the respondents.

Be that as it may, as it appears that the appeal preferred by the petitioner challenging the order of the Sub-Divisional Controller regarding renewal of his prayer for reinstatement of his business is pending consideration at the end of the district authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the District Controller, Food and Supplies, South 24 Parganas being the respondent no. 3 to consider and dispose of the appeal preferred by the petitioner on 23.12.2016 strictly in accordance with law, after giving a reasonable opportunity of hearing to the petitioner or his representative, within a period of six weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that the Court has not entered into the merits of the claim made by the petitioner and all points raised in the writ petition are left open to be decided by the said respondent at the time of consideration of the appeal preferred by the petitioner.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)