

05.01.2021

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W.P.A. 10953 of 2020

(Through Video Conference)

Ajoy Kumar Das

Vs.

State of West Bengal & ors.

Mr. Debabrata Saha Roy

Mr. Tarun Kr. Das

Mr. Madan Mohan Ray

.... For the petitioner

Mr. Susovan Sengupta

Ms. Supriya Dubey Chakraborty

... For the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order of detagging of his SK Oil dealership dated December 10, 2020 passed by the Sub-Divisional Controller, (F&S), Contai & Ex-Officio Asstt. Diurector, District Purba Medinipur.

It is not disputed by the respondent authorities that no show-cause notice was issued to the petitioner before passing of the said order.

Mr. Susovan Sengupta, learned Counsel appearing on behalf of the State fairly submits that this order may not be in accordance with the Control Order, and therefore, he submits the same may be struck down. He further submits that the respondent authorities be given the liberty to proceed against the petitioner in accordance with law, if the situation so arises.

In light of the above, the impugned order dated December 10, 2020 is quashed and set aside with a direction upon the authorities concerned to allow the petitioner to continue the SK oil dealership.

It is made clear that the above order shall not prevent the authorities from acting against the petitioner in accordance with law, if the need so arises

With the above observation, this writ petition is disposed of.

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

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)