

Court No. 24
15.02.2022
(Item No. 104)
(AB)

W.P.A. 459 of 2022
(via video conference)

Md. Hasanuzzaman
VS
The State of West Bengal & Ors.

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

Mr. Habibur Rahaman
Mr. Kapil Guha

.... For respondent No. 7

The petitioner is aggrieved by the license which has been issued in favour of the private respondent being a registered Cooperative Society pursuant to the vacancy notice published on 12th February, 2019. Vacancy was declared at Kazisah Chira Vija near Rima Brick field under Begunbari Gram Panchayat covering Begunbari village, Police Station Beldanga, Mouza – Kazisah in the District of Murshidabad. Applications were to be filed within a month from the date of publication of the said vacancy notification. The application filed by the private respondent was accepted by the respondent authorities and the license has been issued in its favour.

According to the petitioner, as the vacancy was declared in the Mouza – Kazisah, the land offered by the private respondent in Mouza Bishannagar ought not to have accepted by the respondents for granting the license.

It has further been submitted that the license has been issued at a place which is not notified under the vacancy notice dated 12th February, 2019.

The Sub-Divisional Controller, Food & supplies, Berhampore, Murshidabad had filed a report before this Court dated 24th January, 2022 wherefrom it appears that in response to the notified vacancy five applicants submitted their applications for selection. The private respondent submitted the application within the prescribed time limit and an enquiry was conducted by the competent authority comprising of the Area Inspector and the Sub-Divisional Controller, Food & Supplies, Berhampore Sadar and upon noticing that the private respondent had the requisite working capital of Rs.5,00,000/- in the bank account for a year preceding to the date of making the application and being satisfied with the land offered by the private respondent issued the license in its favour.

The report further mentions that the petitioner submitted his application on 25th March, 2019 which is beyond one month from the date of publication of the vacancy notice. It was also noticed that the petitioner did not have the necessary working capital as required in terms of the Government Order No. 1707-FS dated 21st July, 2014.

It was further revealed that the land offered by the petitioner belonged to a different Mouza i.e. Begunbari and the land is classified as 'Aush'. The report also mentions

that the godown's character of land as 'Aush' clearly violate the provision of the West Bengal Land Reforms Act, 1955.

After enquiry, the matter was sent to the District Controller (F&S), Murshidabad with the original case records and the enquiry report. The Deputy Director (License) issued the approval for engagement of the private respondent as FPS Dealer and on the basis of the same provisional license has been issued in its favour.

Learned advocate representing the private respondent submits that the land which he has offered falls in the border area of the proposed site at Kazisah. Apart from the fact that the land is only 400mts. away from the advertised area the private respondent has successfully fulfilled all other conditions as required in the vacancy notice.

It appears from the submissions made on behalf of all the parties that both the petitioner and the private respondent were contending for the vacancy which was published by the department.

The State authorities conducted an inspection and on enquiry were satisfied that the land offered by the private respondent and as the private respondent had the requisite amount in its bank account, selected the private respondent for grant of dealership. The respondents selected the best amongst the participating candidates. It does not appear that any illegality has been committed by the State respondents in selecting the private respondent.

The petitioner himself filed the application long after the last date of filing application. Land offered by him is also

not in accordance with the Government Order and the petitioner did not have the requisite amount in his bank account. The petitioner is certainly not the appropriate candidate to be offered the license in accordance with the vacancy notice.

In view of the above, the prayer of the petitioner cannot be accepted.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)