

04.05.2022
SL No. 213
Court No. 24
(P.M)

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

**WPA 6868 of 2022
Trilochanpur Milk Producers' Co-operative
Society Ltd. & Anr.
Vs
The State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharya,
Sr.Adv
Mr. Gautam Kumar Thakur,
... for the petitioners

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
... for the State

Ms. Joyeeta Roy
... for the private respondent.

The petitioners are aggrieved by the act of the respondent authorities in issuing the engagement/ appointment order in favour of the private respondent herein.

The petitioners participated pursuant to an advertisement published for issuance of licence in respect of Fair Price Shop.

The application of the petitioners stood rejected as they did not fulfill the condition as mentioned in Clause 6 of the advertisement dated 14th October, 2020 requiring the applicant to have bank balance of at least rupees five lakh as working capital on the day of the application and one year preceding the date of the application.

Learned advocate for the petitioners submits that the private respondent has been favoured with the license illegally. The land offered by the private respondent for construction of the godown is classified as “Doba” that is a water body and no construction could have been made thereon.

A report has been filed by the Sub-Divisional Controller (Food and Supplies), Kharagpur wherein it has been mentioned that the land has presently been converted in accordance with the provisions of Section 4C of the West Bengal Land Reforms Act, 1955 and the land has been recorded in favour of the land owner who executed a deed of lease in favour of the private respondent herein.

The petitioners submit that the certificate of conversion which has been issued by the Block Land and Land Reforms Officer on 13th November, 2020 is bad in law as the Block Land and Land Reforms Officer does not have the authority and competence to issue the order of conversion in favour of the recorded owner.

According to the petitioner the Collector is the competent authority to issue certificate of conversion.

From the documents annexed to the writ petition and especially the bank passbook of the petitioners herein it is evidently clear that the

petitioners did not have the requisite amount in their bank account as required in terms of the advertisement dated October, 2020.

Accordingly, the petitioners failed to come within the zone of consideration.

As regards the submission of the petitioners that the private respondent herein is also not eligible to be considered for grant of FPS licence relying on the certificate of conversion issued by the Block Land and Land Reforms Officer, it is observed that it will be open for the petitioners to challenge any action of the Block Land and Land Reforms Officer to issue such certificate in favour of land owner before the appropriate forum in accordance with law, if so advised.

No relief can be granted to the petitioners in the instant case.

The writ petition fails and is hereby dismissed.

The report in the form of affidavit filed by the Sub-Divisional Controller, Food and Supplies, Kharagpur and the exception thereto filed by the petitioners be retained with the records.

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

(Amrita Sinha, J.)