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04.05.2022
d.p.

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

W.P.A 7397 of 2022

**Binay Biswas
-versus
State of West Bengal & Ors.**

**Mr. Timir Baran Saha.
...For the Petitioner.**

**Mr. Susovan Sengupta,
Mr. Subir Pal.
...For the State.**

The petitioner is a MR dealer and his licence is valid upto 31st December, 2023. The licence is issued in respect of the Village-Fataipur, P.O.-Bakshipur, P.S.-Tehatta, District-Nadia.

He is aggrieved by the FPS vacancy notice dated 21st January, 2022 published in the Kolkata Gazette Extraordinary on 8th February, 2022 wherein vacancy has been declared in respect of Mouza and J.L. No. Baksipur-058, GP/Ward-Shyamnagar, P.O.-Baksipur.

The petitioner apprehends that if the vacancy is filled up in respect of Baksipur Shyamnagar-G.P., then his ration cards may be curtailed.

According to the petitioner, he has 2331 ration cards and if the same is curtailed then he will be prejudiced financially.

The petitioner relies upon a memorandum dated 13th April, 1999 issued by the Department of Food and Supplies wherein the guidelines to be followed with regard to the appointment, tagging and re-tagging of Distributors, Wholesalers and retailers in MR areas has been mentioned.

The guidelines mention that not more than 5000 ration cards shall be tagged with a MR Dealer.

According to the petitioner, the aforesaid guidelines were not considered and the viability of another ration shop in the same area was not taken into consideration prior to the declaration of vacancy.

Learned advocate appearing for the State respondents submits that the present vacancy has been declared in respect of GP-Shyamnagar. The petitioner holds licence in respect of the Village-Fataipur.

The location of the two fair price shops are different.

It has further been submitted that no cause of action arises at this stage, as the ration card of the petitioner has not been curtailed.

From the submissions of the parties, it appears that the petitioner is apprehensive that his ration cards may be curtailed if the vacancy at Shyamnagar is filled up.

The memorandum which has been relied upon by the petitioner mentions only the maximum number of ration cards but does not indicate any minimum limit

that has to be tagged with a MR Dealer. The petitioner already has 2331 cards in his account.

As on date, there is no instance of curtailing the ration cards of the petitioner and as and when such a situation arises, it will be open for the petitioner to pray for appropriate remedy.

No relief can be granted to the petitioner at this stage in the instant petition.

The writ petition fails and is hereby dismissed.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)