

31.03.2022
SL No. 4
Court No. 24
(P.M)

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

**WPA 9379 of 2018
With
IA No. CAN 1 of 2022**

**Manik Maji
Vs
The State of West Bengal & Ors.**

Mr. Praloy Bhattacharjee,
Ms. Soma Das
... for the petitioner

Mr. Susovan Sengupta,
Mr. Subir Pal
... for the State

The petitioner is aggrieved by the order dated 14th/15th September, 2017 passed by the District Controller, Food & Supplies, Bankura affirming the order passed by the Sub-Divisional Controller, Food and Supplies, Bankura (sadar).

The FPS license of the petitioner was valid till 31st January, 2010. The petitioner, for the reasons best known to him, did not apply within the validity period of the licence for renewal of the same. The license automatically lost its validity after 31st January, 2010.

The Sub-Divisional Controller, Food and Supplies, Bankura in the reasoned order dated 8th

August, 2013 mentions that the performance of the petitioner as MR dealer was not satisfactory and he violated the provisions of the WBPDS (M&C) Order, 2003 several times. His license was revoked.

A departmental proceeding was drawn against the petitioner, but thereafter, as it was revealed that the petitioner did not apply for renewal of the license after 31st January, 2010 the Sub-Divisional Controller, Food and Supplies, Bankura was of the opinion that the order of revocation of the license was valid.

The petitioner challenged the said order by filing a writ petition being W.P. 26240(W) of 2013 which stood disposed of by an order dated 16th November, 2015 whereby the Sub-Divisional Controller was directed to decide the petitioner's case afresh upon issuing proper show cause notice and after giving an opportunity to file reply to such show-cause.

The prayer of the petitioner was again considered and rejected by the Sub-Divisional Controller by order dated 16th February, 2016. The said order was again challenged before this Court by filing W.P. 8252 (W) of 2016 which stood disposed of on 11th May, 2016 wherein a further direction was given upon the Sub-Divisional Controller to decide the

issue after giving an opportunity of hearing to the petitioner.

The prayer of the petitioner was again considered and rejected by an order dated 8th July, 2016. The petitioner preferred a departmental appeal against the order of the Sub-Divisional Controller which resulted in passing the order impugned herein.

It appears from the impugned order that admittedly the petitioner did not apply for renewal of his license after 31st January, 2010.

Accordingly, at this stage, the prayer of the petitioner to permit him to carry on his business cannot be accepted by the Court.

The petitioner has tried to rely upon a document which happens to be a challan for depositing the license fee in the account of the Government of West Bengal. The date mentioned in the challan is not legible. Assuming that the petitioner deposited the fees for renewal of his license, but no formal application for renewing the license was ever filed by the petitioner. The petitioner has admitted before the respondent authority, at the time of hearing that, he could not file the application for renewal due to his illness. The petitioner failed to produce relevant document in support of his submission. Payment of requisite fees, without

making any application for renewal does not entitle the licensee to carry on business. The license in question lapsed, due to efflux of time, on and from 1st February, 2010.

The case of the petitioner for revocation of his license was considered by the respondent authorities on repeated occasions and the same was rejected giving detailed reasons. Enough opportunity was given to the petitioner to defend his case. The factual aspect of the matter was also considered. It does not appear that there is any illegality in the decision making process requiring interference by the Court.

The Court does not find any error in the order passed by the appellate authority.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

CAN 1 of 2022 is disposed of.

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

(Amrita Sinha, J.)