

06 07.7.2022
Sc Ct. no.12

MAT 926 OF 2022

Nitya Nanda Sadhukhan

Vs.

State of West Bengal & Ors.

Md. Yusuf Ali

... For the Appellant

Heard learned counsel for the appellant Md. Yusuf Ali.

The ordering portion of the order passed by the learned Single Judge on 18th May, 2022 in W.P.A. 8496 of 2022 is impugned in this appeal. The relevant portion of the order impugned reads thus :

"If it transpires that the petitioner indeed issued no objection in favour of the private respondent on an earlier occasion, then the respondent District Controller shall proceed on the basis of the same and take necessary consequential steps in the matter. "

It is not disputed that the Hon'ble Single Judge has directed the petitioner to file a representation before the District Controller, Food & Supplies, North 24-Parganas. and such representation should be disposed of strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and to pass a

reasoned order and to communicate the same to all the parties immediately thereafter.

The observation of the Hon'ble Single Judge as quoted (supra), and the wordings “ *and take necessary consequential steps in the matter*” is alleged to be going against the interest of the petitioner.

On a reading of the impugned order in its entirety we find that there is no infirmity and/or illegality in the impugned order and we deem it just and proper to clarify that whatever materials shall be placed by the parties before the District Controller, Food & Supplies, North 24-Parganas at the time of hearing, shall be considered strictly in accordance with law by him taking into consideration the scheme of the 2013 Control Order as contained in sub-clause (vi) of Clause 20 of the said order. There should not be deviation from the spirit of the aforesaid provision. The documents and materials supplied by the necessary parties shall be considered in accordance with law in their proper perspective.

With the aforesaid observation, the appeal is disposed of at the threshold.

There will be no order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Chitta Ranjan Dash, J.)

(Aniruddha Roy, J.)