

25 06.09.2022

gd/ssd

WPA(P)/318/2022
CHANDISADHAN KOLE
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Tapan Dutta Gupta,
Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak
..for the Petitioner

Mr. S.N. Mookherjee, learned Advocate General,
Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the State

In this public interest petition the grievance raised by the petitioner is that the State Government since 2014 is fixing the market rate of potatoes, which is affecting the cultivators. Further grievance has been raised that since the beginning of 2014 the State has totally stopped transportation of potatoes to the neighbour States, as a result of which, the farmers of the other States are capturing the market. The petitioner has also raised the grievance that the rates of potatoes have not been fixed in a free and fair manner and in this background, a prayer has been made to command the respondents to take effective decision to maintain the norms as well as decision with regard to the Essential Commodities Act, 1955.

Learned counsel for the petitioner, referring to the earlier order of this Court dated 15.11.2019 passed in WP 8802(W) of 2019, has submitted that a direction was issued to decide the petitioner's representation, but the same has not been decided till now.

Learned Advocate General has opposed this petition by submitting that there is no proof of any such representation and that the plea which is taken in the petition is also incorrect.

Having examined the record, we find that by order dated 15.11.2019 passed in WP 8802(W) of 2019 the petitioner was granted liberty to make representation to the Principal Secretary, Agricultural Marketing Department, Government of West Bengal within a period of four weeks along with the petition and on filing such petition the said respondent was directed to ensure that the representation gains requisite attention at the appropriate level. There is nothing on record to show that in pursuance to the order of this Court dated 15.11.2019, any such representation was made.

Learned counsel for the petitioner has submitted that since no decision was taken earlier, therefore, subsequently on 05.07.2022 fresh representation was made.

But on perusal thereof, we find that in the so-called representation there is no reference to the earlier

representation. We also notice that within ten days of filing the representation, the petitioner has filed the present petition on 15.07.2022. Therefore, the grievance in respect of non-consideration of representation is unfounded. That apart, learned Advocate General has also informed this Court that after 12.12.2014 there is no restriction on movement of potatoes outside the State of West Bengal and the State of West Bengal is not regulating the prices of potatoes.

Having regard to the aforesaid, we find no reason to entertain the present public interest petition, which is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

