

04.05.2023

Item No.4

Ct. No.1

PG/KS

**M.A.T. 489 of 2023
With
I.A. No. CAN 1 of 2023**

**Malda Banana Merchant's Welfare
Association & Anr.**

Vs.

The State of West Bengal & Ors.

Mr. Apurba Kumar Ghosh

.....for the Appellants

Mr. Amrita Lal Chatterjee

.....for the State

Mr. Nilotpal Chatterjee

.....for the Malda Zilla Regulated Market
Committee, Malda

1. This intra-Court appeal by the writ petitioners is directed against the order dated 23rd February, 2023 in W.P.A. 20349 of 2022. The said writ petition has been filed by an association called Malda Banana Merchant's Welfare Association and also its Secretary.
2. The writ petition essentially questions the allotment of shops in a market constructed by the Malda Zilla Regulated Market Committee. Initially, it appears that there was an interim order granted in the writ petition. Subsequently,

the respondents appeared and filed a report and placed before the Court that there are 39 banana merchants, who have been allotted the stalls, shops and the allotment was by way of a lottery and a fair distribution of the shops has been done, which was sought to be opposed by the second writ petitioner/appellant. The Secretary of the Malda Zilla Regulated Market Committee has filed a status report stating that after the disposal of the writ petition, the Market Committee had taken immediate action as per the lottery held on 6th February, 2023 amongst the traders of the first appellant/association and the possession of stalls measuring about 250 sq. ft. each has been already handed over on 28th February, 2023 after taking approval from the authorities and banana traders are carrying on their business in the stalls allotted to them.

3. It is further stated that out of 39 banana traders, 30 traders have already signed draft lease agreement for execution and the rest 9 number of draft lease agreement have already been printed and awaiting their signature.
4. Thus, we find that the attempt of the association/Secretary is to prevent equitable distribution of the public market.

5. We find no reason to interfere with the order passed by the learned Single Bench.
6. Accordingly, the appeal fails and is dismissed.
7. Consequently, the connected application also stands dismissed.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)