

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA No. 10231 of 2023

**M/s. Anoda Bewa & Sons
Vs.
The State of West Bengal & Ors.**

**For the petitioner : Mr. Sufi Kamal,
Sk. Saifuddin,
Ms. Shireen Hossain.**

**For the State : Mr. T. M. Siddiqui,
Ms. Amrita Panja Moulick.**

**For the respondent
No. 9 : Mr. Gouranga Kumar Das.**

Judgement on : 23.08.2023.

Bibek Chaudhuri, J.

The petitioner is a partnership firm having licence to run a fair price shop at Village – Nurpur, Natuntola under Nurpur Gram Panchayat in Manickchak Development Block in the district of Malda. Grievance of the petitioner is that a vacancy notification was made by the Department of Food and Supplies, Government of West Bengal on 30th April, 2022 in respect of the selfsame area for grant of a new licence for establishment of a new fair price shop. It is not in dispute that the private respondent no. 9 was granted licence in respect of the said new fair price shop and some beneficiaries were detagged

from the fair price shop of the petitioner and tagged with the fair price shop of the private respondent no. 9.

It is contended on behalf of the petitioner that previously the petitioner used to cater almost 7,000 beneficiaries. After introduction of digital ration card the number of beneficiaries attached to the petitioner's fair price shop is 5084, though in paragraph 2 of the writ petition the petitioner states that the number of present beneficiaries is 5,800.

It is stated by the learned Advocate for the petitioner that statement made by the petitioner in paragraph no. 2 is a typographical error and at present the petitioner is having beneficiaries numbering 4,664 as per Annexure-S/4 of the supplementary affidavit filed by the petitioner.

It is submitted on behalf of the petitioner that for smooth supply of ration articles the State Government by virtue of an administrative order has been setting up new fair price shop in each and every locality but in the instant case the fair price shop of the respondent no. 9 is situated within 300 meters from the fair price shop of the petitioner. The new fair price shop for which the respondent no. 9 was granted licence, has not been established for decentralization of beneficiaries in order to provide better service to them. On the contrary, the petitioner apprehends that more number of beneficiaries may be detagged from his fair price shop and thereby petitioner's business will hamper to a great extent. The learned Advocate for the petitioner has also pointed out that one of the partners' ration card has also been detagged from his own fair price shop and tagged with the fair price shop of respondent no. 9. Having heard the learned Counsels for the parties and on perusal of the entire materials-on-

record this Court finds that the grievance of the petitioner is mainly against detagging of beneficiaries from his shop to the shop of new licensee. This Court is of the view that the instant writ petition can be disposed of here and now directing the State authority to maintain minimum number of beneficiaries with the ration shop of the petitioner.

In view of what has been stated above, the instant writ petition is disposed of with a direction that the number of beneficiaries attached with the fair price shop of the petitioner shall not be less than 5,000 on any event and, if required, the State respondents shall tag other beneficiaries with the fair price shop of the respondent no. 9.

With the above direction, the instant writ petition is disposed of.
There shall be no order as to costs.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 06.