

Form J(2)

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

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

WPA No. 12741 of 2023

**Munna Sk.
Vs.
The State of West Bengal & Ors.**

**For the petitioner : Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal.**

**For the State : Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu.**

Judgement on : 13.06.2023.

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

Against declaration of vacancy for establishment of fair price ship, the writ petitioner filed an application before the respondent authority for granting licence in favour of him stating that he possesses a godown at plot no. 2028 of Khatian No. 7962 of Mouza – Hareknagar within Police Station – Beldanga under Debkundu Gram Panchayat in the district of Murshidabad. It is submitted by the petitioner that at the time of inspection by the concerned authority the petitioner wrongly showed another godown under his ownership which did not have requisite covered area for obtaining licence of fair price ship. Subsequently, he made a representation on 15th May,

2023 requesting the Area Inspector (F & S), Government of West Bengal, Food and Supplies for further inspection in respect of the godown situated at the above-mentioned plot no. 2028 and take the final decision with regard to grant of licence in respect of fair price shop.

The learned Advocate for the State has raised objection against such prayer on two-fold ground. Firstly, it is contended by him that the godown in question at plot no. 2028 is situated partly on P.W.D. land and secondly, the concerned officer inspected the godown on being shown by the petitioner. At present, the petitioner cannot come up with one after another application requesting the authority for further inspection and thereby causing delay in granting licence of fair price shop in the said locality at the cost of disadvantage of the local village people.

Having heard the learned Counsels for the petitioner and the State, this Court is of the view that if the respondent no. 5 takes into consideration the application dated 15th May, 2023 for further inspection of the godown of the petitioner and thereafter take the final decision, the authority will not suffer. On the contrary, by such administrative act the petitioner's grievance may be satisfied.

Therefore, the instant writ petition is disposed of directing respondent no. 5 to cause further inspection of the godown as per the representation dated 15th May, 2023 within 60 days from the date of communication of this order and, thereafter, take final decision in this respect. It is made clear that I have not gone into the merit of the petitioner's claim. The entire decision is left open for consideration by the respondent no. 5 without being influenced in any way by the order passed by this Court.

The instant writ petition is, thus, disposed of on contest.

(Bibek Chaudhuri, J.)

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