

Ct. 05
Item No.17
13.02.2023
(Suvendu)

**WPA 14728 of 2018
With
CAN 4 of 2021**

**Gautam Pramanick & Ors.
Vs.
Union of India & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Kallol Guha Thakurata
Md. Wasim Rahaman
Mr. Badrul Karim

.....for the petitioners

Mr. Ashok Kumar Chakraborty
Mr. Partha Ghosh
Mr. Rahul Sarkar

.....for the UOI

None of the six writ petitioners have locus to file the present writ petition. The first writ petitioner is a consumer of iodized salt in the State of West Bengal, the second is the President of Contai Salt Manufacturers Association and the petitioner nos. 3 to 6 are Salt Traders. The Cause Title supports the view of this Court.

The petitioners claim to be aggrieved by an order dated 8th August, 2016 passed by the Salt Commissioner containing a decision to close the Regional Office of the Salt Commissioner situated in Kolkata. The Salt Test Laboratory at Kolkata was also decided to be closed along with other laboratories at Humma, Bhubaneswar and Contai.

This was followed by an Office Order dated 15th December, 2017 which gave effect to the order of 8th August, 2016 and the staff of the Regional Office, Kolkata and the Salt Test Laboratories were directed to comply with the instructions of the Deputy Salt Commissioner, Chennai and Salt Commissioner, Jaipur. The petitioners claim to be aggrieved by the two orders on the ground that the people of Eastern Region would be deprived of iodized salt.

Learned counsel appearing for the petitioners relies on an interim order passed by a learned Signed Judge, as his Lordship then was, on 1st November, 2018 whereby the notices of closure, impugned in the writ petition, were stayed for twelve weeks. The interim order continued thereafter and the petitioners remain protected as of today.

After hearing learned counsel appearing for the parties, there are several reasons for holding that the writ petition is not maintainable. First, the writ petitioners do not have locus to either file the writ petition or claim any relief therein. The writ petitioners have not been able to show any grievance as contemplated under Article 226(1) of the Constitution. For that, the petitioners must show that the petitioners' rights

under Part III of the Constitution have been infringed which would include the right under Article 14(1)(8) to carry on trade or business.

Even otherwise, the interim order dated 1st November, 2018 proceeds on the basis that the Union of India cannot be guided solely on profit motive. The Court hence granted interim protection to the petitioners staying the impugned notices of closure of the Regional Office and the Salt Test Laboratories in Kolkata. This interim order has continued for more than four years and the Court has been informed of the petitioners are using the interim order to gain advantage in other statutory forums.

The alleged cause of action is the closure of the Kolkata Regional office and the Salt Test Laboratory. The decision to close the offices was taken by the respondents pursuant to the recommendation of National Productivity Council which conducted a study on restructuring and rationalisation of manpower of the Salt Commissioner Office.

Whatever may be the case, this Court is of the view that the petitioners must first discharge the onus to show that the petitioners, individually or collectively, have suffered by reason of the

closure notices. The matter appears to be a Public Interest Litigation.

This Court does not find any reason to continue with the interim order being convinced that the relief of the petitioners lies elsewhere.

WPA 14728 of 2018 is accordingly disposed of along with all connected applications.

The interim order dated 1st November, 2018 is vacated.

The petitioner shall have liberty of taking recourse to appropriate legal remedies as the petitioners may be entitled to.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)