

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

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

WPA 15535 of 2023

**Abdul Mannan
Vs.
The State of West Bengal & Ors.**

Mr. Ramkrishna Bhattacharya
Mr. Kaushik Chowdhury
Ms. B. Khatun
..for the petitioner

Ms. Saswati Chatterjee
..for the State Respondents

Item No.08

Heard & Judgment on: 12.07.2023

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

By filing the instant writ petition the petitioner has prayed for favourable consideration of his representation dated 24th February, 2023 made by him before the Sub-Divisional Controller, Food &

Supplies Department, Gangarampur in the district of Dakshin Dinajpur.

Background of this case which prompted the petitioner to approach before this Court for issuance of prerogative writ or direction is that the petitioner is an FPS dealer having FPS Code No. 13310080033. On 4th May, 2020 the Sub-Divisional Controller, Food & Supplies Department of the concerned jurisdiction issued a show cause notice –cum- suspension order of the said dealership in the name of the petitioner. The dealership in respect of his fair price shop was tagged with another dealer namely Abdul Malek for distribution of ration articles to the beneficiaries. The said Abdul Malek has been impleaded in the instant writ petition as respondent No.7. As per direction of the Sub-Divisional Controller, Food & Supplies Department the petitioner handed over ration articles viz., AAY Rice –45 Kg., AAY Atta-19.500 Kg., PHH +SPHH Rice –10.500 Kg., RKS Y (I) Rice-01.65.500 kg., RKS Y (II) Rice-67 kg., S.K. Oil (Flood Reserve)-200 liter in presence of Inspector of Food & Supplies Department. Subsequently upon hearing of the reply to the show cause notice the suspension order was withdrawn by the Sub-Divisional Controller of the concerned jurisdiction and the petitioner is allowed to run his fair price shop.

After withdrawal of suspension order the petitioner approached the said Abdul Malek, respondent No.7 to return the above mentioned articles to him for supplying the same to the beneficiaries but the respondent No.7 failed and neglected to return all articles to the petitioner.

The petitioner made the impugned representation on 24th February, 2023 before the Sub-Divisional Controller, Food & Supplies Department, Gangarampur at Dakshin Dinajpur but the said respondent did not take any action on the representation filed by the petitioner.

Being aggrieved the petitioner has filed the instant writ petition.

The learned advocate for the State Respondents practically admitted the case of the petitioner regarding the fact of his suspension and subsequent withdrawal of the suspension order. On withdrawal of such suspension order the petitioner has been running his FPS shop. At this stage, he is entitled to get the ration articles which is left out under the possession of the respondent No.7 for distribution to the beneficiaries.

Under such circumstances, the instant writ petition is disposed of directing the Sub-Divisional Controller, Food & Supplies, respondent No.4 herein to dispose of the representation filed by the petitioner on 24th February, 2023 at the earliest and preferably within

30 days from the date of communication of this order, considering the fact that the aforesaid ration articles are perishable goods. The said articles are required to be distributed to the beneficiaries.

With the above order, the instant writ petition is disposed of.

The parties are at liberty to act on the server copy of this order.

There shall be, however, no order as to costs.

(Bibek Chaudhuri, J.)