

Form J(2)

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

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

WPA 16521 of 2023

**Debika Pramanick
-Vs.-
State of West Bengal & Ors.**

**For the petitioner : Mr. Guddu Singh,
Ms. Soma Chakraborty**

**For the State : Mr. Suman Sengupta,
Ms. Amrita Panja Moulick**

Heard & Judgment on : 20.07.2023

Bibek Chaudhuri, J.

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

It is the case of the petitioner that petitioner is the married daughter of one Bimal Krishna Pramanick, since deceased. After the death of the said Bimal Krishna Pramanick the petitioner filed an application for renewal of licence in her favour. The authority made an inspection in accordance with the provisions contained in the WBPDS (Maintenance and Control) Order, 2013. Petitioner's case was recommended by the inspecting team. But she was not granted licence. She made a representation to the Director, DDP&S, Government of West Bengal. Her representation was not considered. So is the instant writ petition praying for a direction upon the

respondent no. 5 to consider her representation in accordance with law. The learned Counsel for the State of West Bengal, at the outset, submits that the petitioner has twisted the fact of the case in such a manner so that it is apparently assumed that the prayer of the petitioner was on compassionate ground as contained under Clause 20 of the Control Order, 2013.

However, the fact remains that after the death of the said Bimal Krishna Pramanick none of the 'family members' of Bimal Krishna Pramanick, since deceased, applied for grant of licence on compassionate ground. Therefore, a fresh vacancy notification was issued sometimes on or about 19th April, 2022. The petitioner along with two other persons took part in the said selection process by filing online application. During inspection, petitioner's case was not considered because of the fact that the petitioner had shown a property owned by her mother as the proposed site of godown and fair price shop. However, the mother of the petitioner did not transfer the property in favour of the petitioner. The property was also not taken in long term lease by the petitioner. In view of such circumstances, the inspecting team held that the petitioner had no land where she may construct a godown and fair price shop. The inspecting team considered the applications of one Sadhan Pramanick and the present petitioner on different aspects of the matter, viz., size of the godown, size of attached shop, nature of possession, proximity of the shop, building type, availability of place for uploading domicile category of the applicant etc. From the inspection report it appears that one Sadhan Pramanick obtained the score of 61 out of 75 while the petitioner got the score of 42 out of the same marks. Considering

the inspection report, I do not find any case in support of the petitioner. Accordingly, the instant writ petition is dismissed.

The report submitted by the learned Advocate for the State respondents be kept with the record.

[Bibek Chaudhuri, J.]

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