

29.11.2023

Ct. no.654

Sl. Nos.1

sn

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

WPA 18307 of 2023

**Ashalata Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharya
Mr. Subhankar Das
for the petitioner
Mr. Arjun Roy Mukherjee
Mr. Supriya Majumder
..for the State

This matter is appearing under the heading "*For orders*".

This writ petition has been filed under Article 226 of the Constitution of India by the petitioner praying for declaring the order dated 13th June, 2023 passed in WPA 12741 of 2023 as null and void and for grant of Fair Price Shop Dealership Licence in favour of the petitioner in view of the vacancy declaration notice dated 7th February, 2023 under memo no. 110/SCFS/BER/2023 issued by the Sub-Divisional Controller (Food & Supplies), Berhampore Sadar for the location Hareknagar, Farajipara, ICDS Centre, GP -Debkundu, Mouza Hareknagar, Police Station Beldanga under Beldanga-I Block, Berhampore Sadar Sub-Division, District Murshidabad.

The brief contention of the petitioner is that she is an educated unemployed lady having suitable and spacious shop-cum go-down in a single compartment for

setting up Fair Price Shop business under the Public Distribution System at the location where the Sub-Divisional Controller (Food & Supplies) Berhampore Sadar declared vacancy of Fair Price Shop vide vacancy declaration notice dated 7th February, 2023. The petitioner applied for grant of Fair Price Shop Dealership Licence as per eligibility criteria of the aforesaid notification. However, due to mal-practice and fraudulent activity of the respondent no.7 till date, the process for grant of licence could not be concluded. Hence, this writ petition for appropriate orders.

Mr. Debabrata Saha Roy, learned advocate for the petitioner submits that the petitioner is one of the applicants in respect of grant of Fair Price Shop Dealership Licence under the vacancy notice dated 7th February, 2023. The respondent no.7 filed the writ petition being WPA 12741 of 2023 on a wrong plea that he possessed go-down at plot no.2028 under Khatian no. 7962 of mouza Hareknagar and that the go-down shown by him to the concerned authority at the time of inspection is wrong one. In the aforesaid writ petition on wrong submission being made on behalf of the petitioner, this Court directed the respondent no.5 to cause further inspection of the go-down as per the representation dated 15th May, 2023 of respondent no.7. The petitioner detecting fraudulent activity of the respondent no.7 has filed this writ petition to declare the order passed in WPA

12741 of 2023 for causing inspection by the respondent no. 5 as null and void. Be that as it may, he submits that already in pursuant to the order passed in WPA 12741 of 2023, the respondent no.5 has already caused an inspection and found that the respondent no.7 does not possess any go-down in plot no. 2028 and is considered not eligible. Therefore, since the enquiry in terms of the order passed in WPA 12741 of 2023 has already been made, he does not press the prayer for declaring the said order as null and void. However, he submits that specific direction be given to the respondent no.5 to conclude the process of grant of Fair Price Dealership Licence in terms of the notice dated 7th February, 2023 at the earliest.

Mr. Arjun Roy Mukherjee, learned advocate for the respondents-State of West Bengal submits that upon enquiry by the respondent no.5, no such go-down of respondent no. 7, Munna Sk. was found within plot no.2028 and he has been considered as not eligible.

At the outset, since the prayer no. (a) of the writ petition for declaring the order passed in WPA 12741 of 2023 has not been pressed into service, hence I recuse from making any observation in this regard. Be that as it may, fact remains that petitioner is one of the applicant for grant of Fair Price Shop Dealership Licence in respect of vacancy notice under memo no. 110/SCFS/BER/2023 dated 7th February, 2023. Admittedly, the process of appointment and grant of licence in respect of notice

dated 7th February, 2023 is still pending. In the aforesaid backdrop, the respondent no.5, Sub-Divisional Controller (Food & Supplies), Berhampore Sadar, is directed to conclude the process of appointment and grant of Fair Price Shop Dealership Licence in terms of the notice dated 7th February, 2023 within a period of six weeks from the date of communication of this order.

With the aforesaid observations, this writ petition stands disposed of.

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

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously upon compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)