

Form J(2)

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

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

WPA 20134 of 2023

**Anita Sahoo Jana
Vs.
The State of West Bengal & Ors.**

Mr. Apurba Ghanti
Ms. Priti Jain
..for the petitioner

Mr. Jayanta Samanta
..for the State

Item No.06.

Heard & Judgment on: 24.08.2023

Bibek Chaudhuri, J.

The petitioner made an application in prescribed proforma for grant of licence of FPS dealership at Ganguria within P.S. Belda in the district of Paschim Medinipore. Likewise the respondent No.6 made an application with similar prayer. It is the grievance of the petitioner

that the State Authorities allowed the prayer of the respondent No.6 and granted licence in his favour without considering the fact that the vacancy notification was not widely circulated and secondly respondent No.6 hired a godown to keep stock of fair price shop. Adjacent to a house an incident of bomb blast occurred and the landlord of the said house along with others are facing trial in a criminal case under various penal provisions of I.P.C. as well as the Explosive Substance Act. The petitioner made a representation stating all such grievances as aforesaid to the State Authorities but they did not pay any heed to the representation of the petitioner.

I have heard the learned advocate for the petitioner as well as the learned advocate for the State respondents.

Indisputably, the petitioner was one of the applicants for licence of fair price shop on the basis of the vacancy notification. Therefore, she cannot challenge the vacancy notification not being widely circulated.

From the submission made by the learned advocate for the petitioner it is ascertained that the respondent No.6 hired a godown situated adjacent to the residential house of his landlord and a criminal case is pending against the said landlord and others. No criminal case is pending against the respondent No.6. Moreover,

pendency of a criminal case does not disentitle any eligible person to get licence of fair price shop. Clause 2(iii) (a) (d) states:-

“A person convicted by a Court under the Act or in any other criminal proceeding connected with essential commodities shall not be eligible for licence of a dealer. No criminal proceeding under the Essential Commodities Act is pending against the petitioner and, therefore, question of being convicted in any such case does not arise at all.”

The petitioner has not approached this Court challenging the process of inquiry/inspection and grant of licence in favour of the respondent No.6. In the absence of such challenge I do not find any material to entertain the instant writ petition. Accordingly, the instant writ petition is **dismissed** on contest.

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

(Bibek Chaudhuri, J.)