

06.10.2023
Sl. No. 02.
Suman
Ct.No.42.

WPA 23237 of 2023
With
CAN 1 of 2023

Rajesh Shaikh
Vs.
The State of West Bengal and Ors.

Mr. Debabrata Saha Roy
Md. Hafiz Ali
Ms. Shanta Sarkar
Mr. Debojyoti De
..for the petitioner

Mr. Abhratosh Majumder, Sr. Adv.
Mr. Ramesh Dhara
Ms. Mousumi Chowdhury
..for the respondent No.6

Mr. Supratim Dhar
Mr. Amrita Lal Chatterjee
..for the State

It is pointed out by Mr. Majumder, learned senior advocate for the private respondent that in CAN 1 of 2023 the petitioner affirmed affidavit describing himself that he carries on business. Under such circumstances, his application for grant of dealership of fair price shop was liable to be rejected and it was rejected. Moreover, it is averred that during the pendency of the writ petition the respondent authority granted licence in favour of the private respondent. However, from the record it appears that the licence

was granted on 7th August, 2023 and the writ petition was affirmed on 22nd September, 2023. Thus, long before filing of the writ petition licence was granted.

It is urged by Mr. Saha Roy that these are all inadvertent errors and the learned advocate on record mistakenly drafted the affidavit portion and the body of the writ petition taking advantage of already drafted writ petition of similar kind uploaded in the computer. Therefore, Mr. Saha Roy prays for withdrawal of the writ petition and the connected application with liberty to file a fresh writ petition on similar cause of action.

The prayer is considered and allowed.

The instant writ petition is dismissed as withdrawn with liberty to file a fresh writ petition on the self-same cause of action.

(Bibek Chaudhuri, J.)