

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

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

WPA No. 25724 of 2022

**Nurul Haque
Vs.
The State of West Bengal & Ors.**

**For the petitioner : Mr. Animesh Mukherjee,
Md. Ali Ahasan.**

**For the respondent
No. 5 : Mr. Susanta Kumar Mukherjee,
Ms. Sonali Bhar.**

Judgement on : 13.06.2023.

Bibek Chaudhuri, J.

Against a declaration of vacancy vide Notification No. 124/SCFS/Rampurhat/2022 for granting licence of fair price shop at Banarampur dated 8th February, 2022, the petitioner made an application. The application of the petitioner along with others were duly considered and spot verification was made on 26th May, 2022. At the time of spot verification it was found by the Sub-Divisional Controller, Food and Supplies, Rampurhat that the godown of the petitioner was under construction. Therefore, he recorded the said fact in his report; also took photographs of the said under construction godown and prepared a sketch map. On the basis of the said report the application of the petitioner was turned down. On 9th

June, 2022 the petitioner made a representation before the District Controller (F & S), Birbhum stating, inter alia, that on 26th May, 2022 when the inspection was done by the Sub-Divisional Controller (Food and Supplies) the petitioner was undergoing treatment in the hospital and could not attend the said inspection. However, on the next date he requested the Sub-Divisional Controller (Food and Supplies) to reinspect the spot. However, the concerned Officer refused to accept his proposal and forced him to put his signature on some documents. Surprisingly enough, it is not written in the said representation dated 9th June, 2022 that the petitioner had fully equipped godown on his land even on 9th June, 2022. Learned Advocate for the petitioner submits that no notice of inspection was served to the petitioner. However, from the representation dated 9th June, 2022 it is ascertained that the petitioner was informed over telephone about the inspection.

Be that as it may, the Sub-Divisional Controller, Food and Supplies, Rampurhat has already issued the letter of dealership in favour of the private respondent no. 5 on 3rd January, 2023. Under such changed circumstance, the instant writ petition becomes redundant and I am not in a position to offer any relief to the petitioner when licence was granted to the private respondent no. 5 by the concerned authority.

In view of such circumstances, the instant writ petition is dismissed on contest.

(Bibek Chaudhuri, J.)