

Form J(2)

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

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

WPA 27213 of 2016

**Secretary Moula Mahila Indira Self Help Group
Vs.
State of West Bengal & Ors.**

For the petitioner	:	Mr. Tarapada Das
For private respondent	:	Mr. Samiran Mondal, Mr.A. Dan
For the State	:	Mr. Tarak Karan
Judgement on	:	30.08.2023.

Bibek Chaudhuri, J.

Though it is repeatedly prayed on behalf of the petitioner that an adjournment may be granted to file affidavit-in-reply against the affidavit-in-opposition filed by the respondent No.4, on perusal of the writ petition as well as the affidavit-in-opposition, I do not find any reason to grant any further time to the petitioner.

It is needless to say that the parties are directed to file affidavits in connection with an application in order to help the Court to arrive at a decision. When on the available record, the Court is satisfied that it can take final decision on the application, the Court

can very well refuse such prayer for filing affidavit-in-reply against the affidavit-in-opposition filed by the respondent No.4. Accordingly, the prayer of the petitioner is rejected and the instant writ petition is taken up for hearing.

Indisputably on the basis of a vacancy notification dated 23rd September, 2013 a self help group under the name and style Moula Mahila Indira Self Help Group was granted FPS Dealership to run FPS shop at Village Moula, within Ranibandh Development Block, Police Station: Khatra in the district of Bankura. At the time of granting licence, one Smt. Lakshmi Rani Mahata being the Secretary of the above named Self Help Group deposited requisite fees on behalf of the Self Help Group and obtained trade licence etc. in respect of running of dealership business. The appointment order issued by the Sub-Divisional Controller, Khatra shows that it was granted in the name of Lakshmi Rani Mahata not on her personal capacity but as Secretary of the Self Help Group.

It is admitted by the learned Advocate for the petitioner that the petitioner used to run the dealership business as the Secretary of the said Self Help Group. Subsequently, a dispute cropped up on the question of running the said dealership business between Lakshmi Rani Mahata and other members of the said Self Help Group. On 4th September, 2014, some members of the said Self Help Group under

the leadership of one Kanicka Mahata locked the godown and office room of the ration shop. On 2nd January, 2015, the petitioner as Secretary of the said Self Help Group lodged a complaint before the Inspector-in-Charge, Ranibandh Police Station stating, *inter alia*, that some members of the said Self Help Group under the leadership of ICDS Worker Balika Mahata, Kalpana Mahata, Sakuntala Mahata, Karuna Mahata, Tarulata Mahata trespassed into the ration shop and assaulted her severely.

It is learnt from the affidavit-in-opposition filed on behalf of the respondent No.4 that the members of the said Self Help Group ousted Smt Lakshmi Rani Mahata as the Secretary of the said Group and appointed one Sakuntala Mahata as the Secretary of the said Self Help Group. When dispute was going on between the members of the said Self Help Group and the work of public distribution system was hampered, the Sub-Divisional Controller, Food and Supplies Department, by an order de-tagged the beneficiaries from the said FPS shop and tagged them with a nearby MR-cum-Kerosene Oil Dealer, namely, Amarendra Nath De.

It is also learnt from the affidavit-in-opposition that after selection of new Secretary and the functions of the said Self Help Group came to order, the new Secretary wrote a letter to the Sub-Divisional Controller, Food and Supplies Department requesting him

to tag the beneficiaries with the FPS shop run by the said Self Help Group. Thereafter, the beneficiaries were tagged with the FPS dealership of village Moula which is now run by the present Secretary of the said Self Help Group.

On careful perusal of entire materials on record, this Court finds that the dispute of the instant case is as to whether the said FPS shop licence of which was granted in the name of the Secretary of the Self Help Group would be run by Smt. Lakshmi Rani Mahata or Sakuntala Mahata or if the said licence was temporarily suspended or not, are not the issues to be decided by the Writ Court. The issues are absolutely private in nature and no writ lies to solve such dispute. Accordingly, the instant writ petition is dismissed, however, without any costs.

(Bibek Chaudhuri, J.)

***Mithun
A.R. (Ct).
SI No.16.***