

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

9 01.9.2023
Sc Ct. no. 2

WPA 708 OF 2023

Jogendra Nath Das

Vs.

The State of West Bengal & Ors.

Ms. Ankita Dey

....For the Petitioner

Mr. Hirak Barman

Mr. Momenur Rahman.

....For the State

Ms. Ankita Dey, learned counsel for the petitioner drawing attention to a communication, dated **October 31, 1994, Annexure-P2 at page 12 to the writ petition**, written by the respondent no.3 submits that, the petitioner applied for M.R. Dealership, at Petla-Adabari in 1992 and such an application of the petitioner was sent for consideration by the respondent no.3 before the Executive Officer of the concerned Panchayat Samity. She then refers to the representation of the petitioner made before the respondent authorities dated **December 15, 2022, Annexure-P6 at page 19 to the writ petition** and submits that, since 1992 no step had been taken and even thereafter the representation was made in **December, 2022** and the same has also not received any attention of

the State authority. She prays for a direction upon the respondent authority to consider the representation dated **December 15, 2022** and the claim of the petitioner.

Mr. Momenur Rahman, learned State counsel appears for the respondent nos. 1, 2 and 3. He submits that a stale claim for about thirty-one years is sought to be revived and agitated now, through this writ petition.

Mr. Rahman further submits that the relevant M.R. Dealership is no more in existence. He submits that, at the relevant point of time since no suitable candidature was found, all the ration cards pertaining to that particular M.R. Dealership, were shifted to other nearby Fair Price Shops.

Considering the rival submissions made on behalf of the parties and considering the materials-on-record, this Court is of the view that, through this writ petition, a thirty-one years' old claim is sought to be given life, which is not permissible in law. The writ petition is grossly a belated one. More so, as submitted on behalf of the learned State counsel that, the relevant M.R. Dealership is no more in existence, which is the result of a State policy.

In view of the foregoing discussions and reasons and considering the case made out in the writ petition, this Court is of the firm view that the writ petition is totally devoid of any merit and not sustainable in law.

However, if the petitioner applies for obtaining any M. R. Dealership, for consideration of such an application, this order shall not stand in the way and the authority shall proceed strictly in accordance with law.

It is also made clear that, this order shall not create any equity or right in favour of the petitioner, if the petitioner is found otherwise ineligible to receive his claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the observation made as above, this writ petition, **WPA 708 of 2023** stands ***dismissed***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)