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**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 1460 of 2024**

**Bishwanath Manna**

**-Vs-**

**The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee

Mr. Omar Faruk Gazi

... for the petitioner

Affidavit of service filed on behalf of the petitioner is taken on record.

This writ petition has been filed by the petitioner under Article 226 of the Constitution of India for considering the representations of the petitioner dated 12<sup>th</sup> August, 2021 and 15<sup>th</sup> May, 2023 by the respondent no.3, Sub-Divisional Controller, Food & Supplies Derpartment, Arambagh, Hooghly.

The brief fact of the case is that the petitioner is a fair price shop dealer bearing licence No.HGL-AMBG-KNKL(I)-133801300022-21 in the area Thakuranichak, Khanakul, Hooghly. On 31<sup>st</sup> July, 2021 due to heavy rain and flood the articles in the fair price shop room including EPOS (Electronic Point of Sale) machine got damaged. The petitioner approached the concerned authority on 12<sup>th</sup> August, 2021 with a prayer for P.D.S. billing manually. The petitioner due to want of EPOS machine could not match the physical stock with the

EPOS stock. On such ground, the petitioner made a further representation to the concerned department on 15<sup>th</sup> May, 2023. The petitioner has filed the present writ petition for consideration of such representation.

Mr. Sabyasachi Chatterjee, learned Advocate for the petitioner submits that due to damage of EPOS machine during flood, the petitioner could not tally the physical stock with the EPOS stock. The petitioner was constrained to purchase EPOS machine at Rs.29,500/- which has also not been reimbursed as yet. The petitioner made several representations, however, those have not been considered properly. He seeks for appropriate order.

None appears on behalf of the State-respondent.

Mr. Sanatan Panja, learned Advocate, who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Mr. Sanatan Panja, learned Advocate be regularised by the concerned authority.

Mr. Sanatan Panja, learned Advocate for the State-respondent also submits that respondent no.3, Sub-Divisional Controller, Food & Supplies Department, Arambagh, Hooghly, be directed to consider the representation of the petitioner.

Having heard the learned Advocates for the respective parties, the respondent no.3, the Sub-Divisional Controller, Food & Supplies Department, Arambagh, Hooghly, is directed to dispose of the

representations of the petitioner dated 12<sup>th</sup> August, 2021 and 15<sup>th</sup> May, 2023 within a period of two months from the date of communication of this order after giving opportunity of hearing to all the concerned parties including the petitioner by passing a reasoned order, in accordance with law.

The result of the disposal of the representation shall be communicated to the petitioner within a week thereof.

Petitioner is directed to communicate this order to the respondent no.3, the Sub-Divisional Controller, Food & Supplies Department, Arambagh, Hooghly along with copy of aforesaid representation.

Since no affidavit-in-opposition has been directed to be filed, the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of the writ petition.

With the above observations, this writ petition being **W.P.A.1460 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

( **Bivas Pattanayak, J.**)