

01 13.03.2024

Ct-08

ar

MAT 102 of 2022

with

IA No. CAN 1 of 2022

CAN 2 of 2022

CAN 3 of 2023

Mrs. Nishat Ara Begum & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Saunak Bhattacharya

Mr. Shiladitya Barma

Ms. Priyanka Ghosh

... For the Appellants

Mr. Anirban Ray, Ld. G.P

Mr. B.B. Mallick

Mr. Tanoy Chakraborty

... For the State

Re: CAN 2 of 2022(Section 5)

1. The Additional Stamp Reporter has reported that the appeal is in time. Accordingly, there is no need to pass any order in respect of the application for condonation of delay.
2. The application for condonation of delay being CAN 2 of 2022 is accordingly disposed of by recording that the appeal is in time.

Re: CAN 3 of 2023

(Application for leave to appeal)

1. This application for leave to appeal is thoroughly misconceived. The applicant claims to be the landlord in whose favour the licence has been granted by the respondent authorities in terms of the order passed by the learned Single Judge on 2nd September, 2021.

2. In the writ petition Smt. Durga Das, who has been made a defendant in the suit for eviction, challenged the order dated 5th July, 2021 passed by the Directorate of Rationing, Food & Supplies Department, Government of West Bengal for engaging her as dealer on compassionate ground.

3. Learned Single Judge decided the matter on merits and disposed of the writ petition by directing the respondent nos. 2 & 3 to take a decision with regard to the prayer of the petitioner for being engaged on compassionate ground in the light of the observations made in the said judgment delivered on 2nd September, 2021 within a period of eight weeks from the date of communication of the said order.

4. Learned counsel representing the State has placed before us a communication dated 22nd August, 2023 received from the Rationing Officer, Ballygunj, granting licence in favour of Smt. Durga Das.

5. The basis of the present application is that an eviction suit has been filed against Durga Das and her brothers in which a reference has been made to the order passed by the learned Single Judge on 2nd September, 2021 claiming joint tenancy.

6. The issues involved in the writ petition are entirely different from the issue involved in the suit. Since the present applicants were not the proper and necessary parties in WPA 11518 of 2021, they cannot be said to be the persons aggrieved as the dispute was with regard to the order dated 5th July, 2021 passed by the Directorate of Rationing, Food & Supplies Department, Government of West Bengal by which the prayer of Durga Das was rejected for engaging her as dealer on compassionate ground.

7. On such consideration we do not find any reason to grant leave to prefer an appeal. The application for leave to appeal being CAN 3 of 2023 stands dismissed.

8. In view of dismissal of the application for leave to appeal, the appeal is not admitted and the same is accordingly dismissed along with the stay application being CAN 1 of 2022.

9. However, there shall be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

