

29.02.2024
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PG/KS
Ct. No.1

W.P.A.(P) 79 of 2024

**S.K. Israil
Versus
State of West Bengal & Ors.**

Mr. Aditya Mondal
Mr. Suryaneel Das
Mr. Chiranjit Pal
Mr. Washim Akhter Dafadar.....for the petitioner

Mr. Sk. Md.Galib
Ms. Sujata Mukherjeefor the State

Mr. Ram Anand Agarwala
Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee
Ms.Sonam Ray.....for the respondent no. 8

1. The petitioner, by filing this public interest litigation alleges shortage of supply of ration products by the fair price shop run by the 8th respondent, who has been granted licence.
2. The respondents have raised an objection as regards the maintainability of the writ petition since if the petitioner wants a cancellation of the fair price licence granted to the 8th respondent, the matter should be classified under Group-VIII of the classification list and should be heard by the learned Single Bench.
3. However, the learned Government counsel points out that in terms of clause 24 of the West Bengal Public Distribution System (Maintenance & Control) Order, 2013, power has been granted to take action against a

licensee for committing irregularities and if appropriate complaint is given to the appropriate authority, the same will be looked into.

4. The learned Government counsel also placed reliance on the decision of the Hon'ble Supreme Court reported in **(2014) 5 SCC 530 : Jaipur Shahar Hindu Vikas Samiti vs. State of Rajasthan & Ors.** for the proposition that if there is a mechanism created under a particular statute, the party should be relegated to the appropriate forum in stead of entertaining a writ petition filed as a public interest litigation.
5. That apart, the written instructions given to the learned Government counsel by the Sub-Divisional Controller (F&S), Serampore, Hooghly shows that the complaint and the mass petition were inquired into and nothing adverse has turned out of the same. Furthermore, the allegation said to have been made is of the incident happened in the year 2020 during the period of COVID pandemic.
6. Further, the learned Government counsel submits that the present system of distributing ration items has been changed and now ration articles are delivered in the doorstep of the public.
7. In the light of the same, we find no ground to issue any direction, as sought for in the writ petition.
8. Accordingly, the writ petition is dismissed.
9. No costs.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)