

25.01.2024
Ct. 654
D/L 6
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 9464 of 2023

Niranjana Mandal
-Vs-
State of West Bengal & Ors.

Mr. Animesh Pathak
Mr. Aniruddha Singh Roy

... for the petitioner

Mr. Amrita Lal Chatterjee

... for the State

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

This writ petition has been filed for a direction upon the State-respondents for appointing the petitioner as a FPS Dealer in place of Gopinath Modak being the respondent no. 5 herein.

The brief fact of the case is that the father of the petitioner Late Jaganath Mandal used to run the Fair Price Shop at Thakurdih-Rameswardih, Gram Panchayat Udaypur P.S.-Para, P.O.- Kaluhar, District-Purulia, on the basis of a power of attorney executed by the original licence holder namely, Sri Raghunath Mandal. After demise of Jaganath Mandal, the respondent no. 5 has been appointed as FPS dealer on 23rd April, 2004. However, the representation of the

petitioner for grant of FPS dealership in his name has not been disposed of. Hence, this writ petition.

Mr. Animesh Pathak, learned advocate for the petitioner submits that the father of the petitioner on the basis of a power of attorney executed by the original licence holder has been running the said FPS dealership and as such, after demise of his father, the petitioner should be considered for engagement as FPS dealer. The representation made by the petitioner on 12th December, 2022 before the District Magistrate, Purulia, being the respondent no. 2 herein for grant of licence in his name has not been disposed of. He seeks for appropriate direction.

Mr. Amrita Lal Chatterjee, learned advocate for the State-respondents, in reply, submits that the licence was never granted in favour of the father of the petitioner and as such, the petitioner has no rightful claim to have FPS dealership licence on compassionate ground in his name. He submits that the writ petition should be dismissed.

From the averments made in the writ petition and the materials produced, it is not in dispute that the FPS dealership licence was never granted in favour of the father of the petitioner. Father of the petitioner used to run the ration dealership on the basis of a power of attorney executed by the original licence holder. Since the father of the petitioner was not the licence holder,

as such the petitioner cannot claim such engagement of FPS dealership on compassionate ground. It is informed by the State-respondents that after demise of the original licence holder, the respondent no. 5 Gopinath Modak has been appointed as FPS dealer at Thakurdih-Rameswardih, Gram Panchayat Udaypur P.S.-Para, P.O.- Kaluhar, District-Purulia. In view of the above, prayers made in the writ petition are misconceived and liable to be dismissed.

Accordingly, the writ petition being **WPA 9464 of 2023** stands dismissed.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

(**Bivas Pattanayak, J.**)