

04.07.2024
SL No.8
Court No.24
Ali

WPA 15133 of 2024

**Sourish Sen
Versus
The State of West Bengal & Ors.**

Mr. Pratik Dhar,
Mr. Anirban Sarkar
Mr. Mounick Ghosh

...for the petitioner.

Mr.A. Banerjee,
Mr.Akash Dutta

.....for the State.

In pursuant to the direction of this Court dated 20th June, 2024, the State has submitted a report.

Perused the report.

The analytical report of wheat sample of the concerned authority is as follows:

“Foreign Matter includes Damaged and decomposed grains in dust formation. Obnoxious smell and living pest found”.

The analytical report of Parboiled Rice sample with observation that:

“Living pest. Bird’s feather, rat excreta Obnoxious smell found”.

Considering the report it appears to me that the PDS stocks are not at all consumable or they cannot actually put to any use. However, the manner of disposal, as the authority have disclosed

in the report as-may be disposed of as ***“Manure use”*** and as may be disposed of as ***“Dumping”***.

Considering the entire report it appears that the present conditions of the PDS stocks are not at all consumable according to the report of the concerned authority.

At this juncture, the authority is required to remove the same as early as possible from the godown of the present petitioner otherwise medical hazards may cause to the vicinity.

Considering the above aspects, I make it clear that the godown of the present petitioner is no longer required to be sealed for investigation purpose by the CID; the godown is also not required to be sealed to protect the PDS stocks stored therein. That being the situation, the writ petition is disposed of directing the concerned authority to remove the remnants of the PDS stock as mentioned hereinabove as early as possible more specifically within a period of three weeks from date positively.

The padlock placed in the godown may be kept open and vacant possession be handed over to the petitioner after removal of such remnants of PDS stock.

All exercise shall be conducted in presence of the petitioner.

Thus, the instant writ petitioner is disposed of on the above observations.

All connected applications, if any, stand disposed of.

Interim orders, if any, stand vacated.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)