

03.06.2024
Sl. No.10
g.b.
Court No.05

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15022 of 2024

Arati Mallick
-Vs-
The State of W. B. & Ors.

Ms. Debjani Sengupta
Mr. Iresh Paul
.....For the Petitioner

Mr. Swapan Banerjee
Ms. Reshma Chatterjee
Mr. Mohammed Masood
.....For the State

Mr. Tarapada Das
.....For the Private Respondent No.6

The petitioner is aggrieved by the act on the part of the respondents in issuing FPS dealership in favour of the private respondent.

It has been submitted that the private respondent is already a dealer and, accordingly, he ought not to be granted further dealership. Several objections were raised before the respondent authorities but disregarding such objections, dealership has been granted in favour of the private respondent.

The petitioner relies upon Clause 20 of the West Bengal Public Distribution System (Maintenance and Control) Order, 2013.

Prayer has been made for cancellation of the dealership granted in favour of the private respondent.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has

been denied that the private respondent holds any other dealership either in his name or in the name of his father.

Learned advocate representing the State respondents submits, upon instruction that, dealership was granted in favour of the private respondent in the month of March, 2024. The petitioner did not file any objection immediately after issuance of the dealership.

Upon hearing the parties and upon perusal of the documents placed before this Court it appears that the petitioner is yet to raise a formal objection regarding grant of dealership in favour of the private respondent.

In view of the above the instant writ petition is disposed of granting leave to the petitioner to file appropriate objection before the concerned authority highlighting the illegalities at the time of issuance of dealership in favour of the private respondent.

In the event such representation is made, the same shall be considered by the competent authority in accordance with law after giving reasonable opportunity of hearing to the petitioner and the private respondent. A reasoned order shall be passed and communicated to the parties. If any remedial step is required to be taken, the same shall be taken immediately thereafter.

Steps shall be taken in the matter at the earliest but positively within a period of six weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after compliance of all necessary formalities.

(Amrita Sinha, J.)