

07.10.2024
Court No.09
Item no.04
CP

WPA No. 19787 of 2024

The Posta Bazar Merchants' Association
Vs.
The State of West Bengal & ors.

Mr. Abhratosh Majumdar, Sr. Advocate
Mr. Sayan Sinha
Mr. K. Roy
Mr. Nilanjan Bhattacharya
Mr. Adil Naser
.... for the petitioner.

Mr. Rajarshi Basu
Mr. K. M. Hossain

.....for the State.
Ms. Sutapa Sanyal
Mr. Debrup Bhattacharjee
Mr. Pradeep Kr. Tulsyan
.....for the respondent no. 6.

The petitioner is an association of merchants who are traders of edible oil and like products. The petitioner submits that the trucks carrying such edible oil have been detained by unauthorized persons, primarily the Zilla Regulated Market Committees. The petitioner contends that the High Court had passed certain orders in other matters with regard to detention of such vehicles and a standard operating procedure should be formulated by the Government with regard to such activities, keeping in mind the issues which were pointed out by the Hon'ble High Court.

Learned advocate for the State respondents submits that the Zilla Marketing Committees have not

been impleaded as respondents. No prayers can be made against such committees.

Learned advocate for the West Bengal State Agricultural Marketing Board submits that the orders of the High Court pertain to Kolkata and not the districts. Thus, the representation made by the petitioner with regard to the formulation of a standard operating procedure could not be guided by the orders of the High Court. It is further submitted that only edible oil produced in Kolkata or which goes out from Kolkata to the other markets, are exempted from the applicability of Section 17 of the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972.

This court is not inclined to go into the dispute between the parties and with regard to the submissions made by Mr. Majundar, learned senior advocate for the petitioner. Mr. Majumdar submits that the writ petition and the prayers made therein, shall be restricted to only production of edible oils in Kolkata, trading in Kolkata and trading from Kolkata.

The writ petition is disposed of with a direction upon the Principal Secretary, Department of Agricultural Marketing, Government of West Bengal, respondent no. 4 herein, to treat the writ petition as representation of the petitioner and dispose of the same on the basis of the observations made hereinabove.

A hearing shall be given to a representative of the petitioner as also the respondent no. 6. If, during such hearing, it transpires that the police authorities are also required to be heard and there are allegations against them, a representative of respondent no. 7 shall also be heard.

As no affidavits have been called for, the allegations made against the respondents are deemed to have been denied.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)