

28.08.2024

Ct. no.24

Sl. No.32

sn

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 20851 of 2024

Paramita Marik
Vs.
The State of West Bengal & ors.

Mr. Kaustav Banerjee

..for the petitioner

Mr. Swapan Kumar Datta

Mr. Dipankar Das Gupta

..for the State

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

The father of the present petitioner, namely,
Dhananjoy Marick was a Marginal Ration Dealer at the
centre Raipur, Baniberia, running a Fair Price Shop being
FPS No.134300400019. The said Dhananjoy Marick
expired on 7th May, 2016 leaving behind her wife
Anulekha Marick and her two daughters, namely, Ratna
Marick and the present petitioner.

After the death of said M.R. dealer, the ration cards
of the said dealership were tagged with nearby ration
dealer.

The elder sister of the present petitioner, namely,
Ratna Marick submitted an application before the
concerned authorities for issuance of the said FPS licence
in her favour on compassionate ground.

It is the case of the present petitioner that the concerned Sub Divisional Controller (Food & Supplies), Diamond Harbour, has not taken any decision regarding the application of Ratna Marick, however, the said Ratna Marick expired on 30th November, 2019. Presently, the mother of the petitioner as well as the mother are only sole surviving legal representatives of deceased Dhananjoy Marick.

It is further case of the petitioner that the earnings of the said FPS business is the sole way of living of the present petitioner as well as her mother. The present petitioner also applied for issuance of the said FPS licence in her favour to the concerned authorities on 12th December, 2022 (though it is not in proper form).

No cognizance has been taken by the concerned authorities over the application; the present petitioner has issued Demand of Justice/representation before the concerned authorities through his learned advocate on 16th July, 2024.

Due to inaction of the concerned authorities, the petitioner has filed the instant writ petition.

Learned counsel appearing on behalf of the State authorities submits that the application was filed only in the year 2024, though, the FPS dealer was expired on 7th May, 2016. He further submits that the application was not in proper form and it was filed not within the time

framed according to the provisions of Controller Order, 2013.

Considering the submissions, it appears that the respondent authority has not taken any decision regarding the representation of the present petitioner. It further appears that the Ration Card of the said FPS dealer have been tagged with the nearby FPS dealer.

Considering the situation, the instant writ petition is disposed of with a direction to concerned authorities to take reasoned decision in respect of the representation of the present petitioner dated 16th July, 2024, after giving reasonable opportunity of being heard to the petitioner.

The concerned authorities shall pass reasoned order on merit without being cumbered themselves by mere technicalities, within six weeks from the date of communication of this order.

The reasoned order shall be intimated to the petitioner within two weeks after the decision has been taken.

I make it clear that this Court shall not enter into the merits of the application filed by the present petitioner and the authority concerned is at liberty to take appropriate decision according to the provisions of WBPDS(M&C) Order, 2013 and according to law.

As the affidavits are not exchanged, all allegations made in the writ petition shall deemed to have been not admitted.

With the above observations, the writ petition is disposed of.

There will be, however, no order as to costs.

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

(Subhendu Samanta, J.)