

ASR 36.
Ct. no. 24.
13.11.2024

WPA 25355 of 2024
Mr. Safiuddin Sardar
Vs.
State of West Bengal & Ors.

Mr. Gazi Faruque Hossain
Mr. Sudipta Nayan Ghosh
Mr. Rakib Hossain Khan

.....For the Petitioner

Mr. Arjuan Ray Mukherjee
Ms. Ananya Neyogi

.....For the respondents

Writ petitioner is a FPS dealer having license to distribute ration article at the location of village and post Merigonge Khalpar, Mouza- Merigonge, P.S. Kultali, district-South 24 Parganas.

The petitioner has filed the writ petition challenging a vacancy notification dated 22nd May, 2024 with the ground that if such vacancy was allowed to be filled up by the new ration dealer. The present petitioner who is having only 3,200/-+ (three thousand two hundred plus) ration card holder, shall effect his business.

On initial submissions of the petitioner a report is call for from the state respondent.

Mr. Arjun Ray Mukherjee, learned counsel appearing on behalf of the State authority submit a report of the Sub Divisional Controller (Food & Supply), Baruipur, South 24 Parganas, duly forwarded on 12th November, 2024. The contents of the report disclose as follows:

“The fair Price Shop of petitioner is presently running with 3209 DRC and FPS vacancy has been declared by pooling the DRC from the another FPS of Ainul Sekh & Rafikul Shekh-1343014000001 under Kultali Block, so this will not have any adverse impact on the income of Sarifuddin Sarkdar as DRC were not pooled from his FPS. Even before the declarationh of new FPS vacancy at Purba Tetulberia Mouza FPS of Sarifuddin Sardar had approximately same DRC population”.

It appears from the report that the petitioner is presently running with 3209 DRC's. It is the positive assertion of the concerned SCFS that the declaration of new vacancy at (Tatulberia F.P.School), Purba Tatulberia shall not adversely affect the business of the present petitioner.

I have perused the license issued in favour of the present petitioner appearing on page 31 of the writ petitioner, as well the vacancy notification dated 22.05.2024 appearing at page 33 of the writ petitioner.

Considering the same, it appears to me that the statements of the concerned Sub Divisional Controller is true and correct. The petitioner shall not adversely affected if the new vacancy have been filled up.

Under the above observation the instant writ petition is disposed of on the basis of the report of the State as mentioned herein above.

Let the report forwarded by the State authority be taken on record.

[Subhendu Samanta, J]