

09.12.2024
Ct. No. 24
Sl. No. 32
tbsr

WPA 27893 of 2024

Mahadev Mahato
Vs.
State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
....for the petitioner

Mr. Swapan Kr. Datta
Mr. Dipankar Das Gupta
.....for the State respondents

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

Father of the petitioner was an MR Dealer. After his demise the petitioner was granted license under compassionate appointment. In the vicinity there are another FPS Dealer with identical name and title, namely, Mahadeb Mahato, both of the dealers are taking articles from a single distributor. Some discrepancies regarding supply of stock appears in the e-PoS machine of the present petitioner. He made representation. The authority concerned has considered his representation and has taken necessary steps for correction of his stocks.

It is the allegation of the petitioner that the concerned officer of the respondent has forcefully obtained some signatures of the petitioner over some

document regarding the discrepancies in the stock. However, the petitioner has made a representation to the authority for correction of the entire details of physical stocks and the stocks appearing in the e-PoS machine. The concerned authority has not disposed of the representation.

Hence this writ.

Mr. Datta, learned counsel appearing on behalf of the respondent has submitted that the present petitioner has admittedly put his signature over the alleged document which is actually written in Bengali and he has understood the document and put his signature voluntarily.

Having heard the learned counsels also considering the matter that the entire issue has been demonstrated in the representation now it is up to the District Controllers (Food & Supply), Purulia to decide the issue. It appears that in the representation of the petitioner has also disclosed about allegedly obtaining his signature forcefully. Such issue has also to be dealt with by the concerned District Controller at the time of hearing.

Under the above observation, the instant writ petition is disposed of directing the respondent no. 4 being the District Controller (Food & Supply), Purulia to dispose of the representation (dated 17.09.2024 being P-

9 of the writ petition) of the petitioner after giving an opportunity of the petitioner are being heard.

The respondent no. 4 shall pass a reasoned order within six weeks from the date of communication of this order and shall intimate to the petitioner within two weeks thereafter.

Mr. Saha Roy, Learned counsel has made a prayer for interim order, so that, the stocks appearing in the e-PoS machine of the petitioner may not be taken cognizance of by the respondent authority.

Mr. Datta, learned counsel has raised strong objection considering the situation.

After hearing the parties, I find no urgency to pass any interim order in this matter.

After reasoned order, if it appears that the petitioner is entitled to refund, that shall be adjusted.

Under the above observation, the writ petition is disposed of.

This Court has not gone into the merits of this matter, the respondent no. 4 is to consider the matter according to the law, without being influenced by any of the observation of this Court.

As affidavits are not exchanged, the allegation made in the instant writ petition shall be deemed to have been not admitted.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Subhendu Samanta, J.)