

28.01.2025  
SL No.24  
Court No.24  
Ali

**WPA 529 of 2025**

**Kalpana Mondal  
Versus  
The State of West Bengal & Ors.**

Mr. Timir Baran Saha  
.....for the petitioner.

Ms. Sonal Sinha,  
Mr. Amrita Lal Chatterjee  
.....for the State.

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

The present petitioner challenged the FPS  
licence issued in favour of private respondent No.  
9 by the concerned authority.

It is the case of the petitioner that she is  
the most eligible candidate but the respondent  
authority without considering her candidature has  
issued the licence in favour of respondent No. 9.

It is the contentions of the petitioner that  
the land over which the proposed shop-cum-  
godown of present respondent No.9 was  
constructed is classified as "Danga", it was not  
converted to "Docan/Commercial/Bastu".

He further submits that the godown was  
constructed by the private respondent No. 9

without obtaining a necessary sanction plan from the concerned Gram Panchayat.

Learned counsel appearing on behalf of state authority submits that the state authority has conducted enquiry and after complying with all the formalities has issued licence in favour of respondent no. 9 to be a most suitable candidate.

It appears that certain allegations were raised before this writ court which was not raised by the petitioner before the concerned authority.

Considering same, I think it necessary that further allegations as raised before this court should be decided by the concerned Sub-Divisional Controller, Food and Supplies being respondent No. 7, of the instant writ petition treating the instant writ petition to be a representation.

Under the above observation, the instant writ petition is disposed of directing the petitioner to place the copy of writ petition along with annexure, thereof before the respondent No. 7 within two weeks from date.

On such submission, respondent No. 7 shall dispose of the representation after providing sufficient opportunity of being heard to the petitioner as well as the private respondent within six weeks thereafter. The decision shall be

intimated to the parties within two weeks thereafter.

I make it clear that this court has not entered into merit in this matter; respondent No. 3 is to dispose of the matter according to the law, without being influenced by any observation passed by this court.

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

Under the above observations, the writ petition being **WPA 529 of 2025** is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

**(Subhendu Samanta, J.)**