

18.2. 2025
item No.11
n.b.
ct. no. 24

WPA 758 of 2025

**with
IA CAN 1 of 2025**

Nirmal Molla

Vs.

The State of West Bengal & Ors.

Mr. Debaabrata Saha Roy Sr. Adv,
Mr. Pingal Bhattacharyya,
Mr. Sankha Biswas.
..... for the petitioner.
Mr. Suman Sengupta,
Ms. Amrita Panja Moulick,
..... for the State.

In Re. CAN 1 of 2025

This is an application for recalling and modification of the order dated January 29, 2025 passed by this Court in WPA No.758 of 2025 filed by the state respondent.

Mr. Suman Sengupta, learned counsel appearing on behalf of the State respondent submits display board of this court was functioning abnormally one of some technical errors. This matter was listed as Item no.23 on January 29, 2025 in the list, but the display has not listed the item no.23. It is the contention of Mr. Sengupta that he waited for the matter outside the court but the display has not properly mentioned the item no.23, rather the display shows item no.21 and suddenly suddenly the display jumped to item no.25, this is the reason, he could not appear before this Court

when the matter was called. He prayed for necessary order, so, that the matter may be disposed of directing the concerned authority to consider the representation of the petitioner.

Heard the learned counsel, it appears that at the time of passing the order on January 29, 2025 no counsel appeared on behalf of the State respondent.

Considering the submission of Mr. Sengupta and on query it appears that there is justification for non-appearance on behalf of the State authority before this Court. It was purely technical glitch and technology prevented them to appear.

However, it appears that in the similar matters, this court has considered the prayer of the petitioner wherefrom they were regularly providing 25% less quantum of ration articles; reasons thereof, they are suffering distributing proper quantity of ration articles to the beneficiaries in respect of allotment appearing in the e/Pos machine. The matter is required to be decided by taking note of some factual events, such as, what is the quantum of allotment upon the dealer and what is the e-Pos machine showing regarding stock.

Under that aspect, it appears to me that this Court cannot enter into factual matters. The concerned authority has to decide the issue.

Under the above observation, the direction passed upon the state respondent by virtue of order dated January 29, 2025 is hereby recalled.

However, the entire matter be disposed of with a direction to the respondent no.3 Director, DDP &S, Food & Supply to dispose of the grievances of the petitioner by taking writ petition to be a representation within six weeks from the date of receiving of the copy of the writ petition, by giving an appropriate opportunity of being heard of the petitioner.

The decision of the authority concerned shall be intimated to the petitioner within two weeks thereafter.

Till then, there shall be an order of status quo to maintain the supply of sufficient food grains in favour of the petitioner in terms of the prayer 'F' of the writ petition.

I make it clear that this Court has not gone into the merit of the case, the respondent no.3 is at leave to decide the issue raised by the petitioner according to the law without being influenced by any observation of this Court.

Since no affidavit of service has exchanged, the allegation made in the writ petition shall be deemed to have been not admitted.

Accordingly, this writ petition is disposed of.

Pending connected applications are also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)