

ASR 28.
Ct. no. 24.
27.1.2025

WPA 938 of 2025

Sudhanshu Sekhar Samanta

Vs.

State of West Bengal & Ors.

Mr. Debabrata Saha Ray

Mr. Subhankar Das

Mr. Nil Basu

Mr. Sankha Biswas

.....For the petitioner

Mr. Suman Sengupta

Ms. Amrita Panja

.....For the State

One Amulya Kumar Samanta was a M.R. dealer, who expired on 7th August, 2018. Petitioner being son of the said deceased M.R. dealer was given license on compassionate ground in the year, 2022. Since then the petitioner is running the business i.e. distribution of food articles, food grains through “Electronic point of sell” (E-pos machine) to the beneficiaries.

It is the allegation of the petitioner that lessor quantum of ration articles are being provided by the authority for distribution. He filed several representations to the authority. In reply to his representation the authority concerned has submitted a letter on 25th October, 2024 that the deficit of his father’s account that is, the closing balance of food grains of his father was reckoned to be the closing

balance of his FPS license. It has also been mentioned in the said letter that petitioner himself has signed the stock possession as shown by the concerned authority. The petitioner has challenged the document on the ground that he never signed any of such stock balance sheet printed and prepared by the concerned food and supply department. He lodged a written complaint against the concerned SCFS, with the concerned police station regarding alleged forgery of his signature over the stock register. He made a representation to the concerned Director, DDP&S Food and Supply Department, Government of West Bengal.

It is the case of the petitioner that due to receiving of such lessor quantum of ration articles, it is quite difficult for him to distribute the food grains properly to the beneficiaries. He prayed for necessary direction upon the authority.

Mr. Suman Sengupta, learned counsel appearing for the State submits that on the identical issue this court in WPA 26424 of 2024 has directed the concerned District controller to dispose of the matter after taking the hearing of the petitioner.

He submits that similar direction may be passed.

Having heard learned counsel for the parties, it appears that the dispute regarding the closing balance appearing in the E-pos machine and the physical

distribution of food grains from the distributor to the dealer, is borne of contention in this matter.

It further appears that the petitioner has also lodged a written complaint alleging forgery of his signature against the SCFS concerned.

Having heard the submission of the parties, it appears to me that the representation of the petitioner dated 9th December, 2024 appearing in annexure P 10 of the writ petition required to be decided by the concerned Director.

Under the above observation, the instant writ petition is disposed of directing the Director, DDPNS food and supply department, being respondent no. 3 of this writ petition to dispose of the representation of the petitioner dated 9th December, 2024 (annexure P10) of the writ petition) within 6 weeks from the date of receiving of this order by giving an appropriate opportunity of being heard to the petitioner. The decision of the authority shall be intimated to the petitioner within two weeks thereafter.

Till then there shall be an order to maintain supply the sufficient required food grains in favour of the petitioner in terms of prayer (f) of the writ petition.

I make it clear this court has not entered into the merit of this matter, the respondent no. 3 is that leave to decide all the issues raised in the representation

according to the law without being influenced by any direction passed by this court in the writ petition.

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

[Subhendu Samanta, J]