

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

Present :

The Hon'ble Chief Justice T. S. Sivagnanam

And

The Hon'ble Justice Chaitali Chatterjee (Das)

RVW/160/2025

SAIFUDDIN AHMED

VS

UNION OF INDIA AND ORS.

IA NO: CAN/1/2025, CAN/2/2025

in

WPA(P)/59/2025

SAIYED SOLEMAN AZAD

VS

UNION OF INDIA AND ORS.

IA NO: CAN/1/2025

For the Petitioner :-

Mr. Suddhastav Banerjee

Mr. S.E. Huda

Md. Rizwan Alam

Ms. Nabeela Akbar

For the Union of India :-

Mr. Kumar Jyoti Tewari

Mr. Arijit Majumdar

For the State :-

Sk. Md. Galib

Mr. Alope Banerjee

For the Respondent No. 10 :- Mr. Manotosh Chakraborty

Heard on : 03.07.2025.

Judgment on : 03.07.2025.

T. S. SIVAGNANAM, CHIEF JUSTICE.:

Re: CAN 1 of 2025

1. In terms of the office report dated 16.6.2025 by Additional Stamp Reporter, High Court, Calcutta, it shows that this application is in time inasmuch as the provisions of the Limitation Act are not applicable in cases of Review Under Order 47 CPC in Writ Jurisdiction in terms of order dated 16.10.2007 passed by Hon'ble Division Bench [2008 94) ICC 413].

2. In view of the above, CAN 1 of 2025 is disposed of.

Re: RVW 160 of 2025

3. This review application has been filed to review the judgment and order dated 20th March, 2025 in WPA(P) 59 of 2025.

4. The said public interest writ petition was filed alleging that the 10th respondent/writ petitioner, who is the MR Dealer, has utilized 4000 fake ration cards and swindled of the public distribution items.

5. The court took note of the fact that the Sub-Divisional Controller (F&S) Malda Sadar had addressed the Joint Director (Law), department of Food & Supplies by communication dated 27.2.2025 from which it was seen that pursuant to the complaint lodged by the writ petitioner, an enquiry was conducted against the applicant/10th respondent and an order has been passed on 21.2.2025 imposing penalty of Rs.50,000/-.

6. Going by the allegation made by the petitioner that 4000 fake ration cards were utilized by the applicant/10th respondent, this court made the following observation/directions:

“9. Therefore, we direct the Sub-Divisional Officer Controller (F&S), Malda, Sadar to take action in terms of Clause 5 of the Control Order. The authority should also examine the aspect from the criminal angle as to whether the 10th respondent has colluded with other persons and conspired to commit this illegality and authority should not be satisfied with just passing an order under the provisions of the Control Order.”

7. The learned advocate for the applicant submitted that the order passed by the authority dated 21.2.2025 appears to have not been placed before this court and there is no allegation that 4000 fake

ration cards were utilized and reasons have been set out as to why the penalty of Rs.50,000/- was imposed as the authority was not satisfied with the explanation offered by the applicant/10th respondent in respect of two allegations, namely, the opening and closing time of the shop was not displayed and secondly the feedback received from the people showed that many of them were not satisfied with the quality of the items which were distributed under the public distribution scheme.

8. If such is the factual position, then it goes without saying that the other observation/directions as contained in paragraph 9 can be eschewed.

9. However, at this juncture, we are unable to do so in the light of the fact that the direction issued in paragraph 9 above has been complied with by the authority and an enquiry team was formed and enquiry was conducted and a show cause notice dated 27.5.2025 has been issued to the applicant/10th respondent.

10. Therefore, all that we can observe that the allegation of 4000 fake ration cards were utilized appears to be factually incorrect but nonetheless in the enquiry conducted certain defaults committed by the applicant/10th respondent has come to light.

11. However, we do not wish to express any opinion on that since the matter is still at the show cause notice stage.

12. The applicant/10th respondent is directed to cooperate with the authorities and the authority, namely, the Sub-Divisional Controller (F&S) Malda Sadar after affording an opportunity of personal hearing shall pass a speaking order on merits and in accordance with law.

13. With the above observation, the review application stands disposed of.

14. Needless to state that the authority shall proceed in an independent manner based on the facts and figures which have emanated pursuant to the enquiry and after considering the reply submitted by the applicant/10th respondent without any manner being influenced by the observations made in the order dated 20th March, 2025 in WPA(P) 59 of 2025.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)

Item No.6
gd/ssd