

19.3. 2025  
item No.1  
n.b.  
ct. no. 24

**WPA 5396 of 2025**

**Md. Arjaul Hoque**  
**Vs.**  
**State of West Bengal & Ors.**

Mr. Pintu Karar,  
Mr. Sabab Uddin Laskar,  
Mr. Souran Roy,  
..... for the petitioner.  
Ms. Sonal Sinha,  
Mr. Munmun Ganguly,  
..... for the State.

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

Petitioner running a business of FPS at Village- Kechuahi, P. O. Kamalbari, P.S. English Bazar, District- Malda having godown over plot no.205 under Khatian no.1234, JL no.88. He challenged the notification being memo no.436/SCF(M)2024 dated May 10, 2024.

It is the contention of the petitioner that the instant notification was issued by virtue of provision under the West Bengal Public Distribution System(Maintenance & Control) Order, 2013. He submits that the control order, 2013 is under challenge before the Hon'ble Division Bench in MAT 1543 of 2024 wherein the Division Bench has passed specific interim order, so that, no ration card holder should be delinked from dealer till disposal of the said appeal. He submits that if the present notification dated May 10, 2024 be

allowed to be filled up by new dealer, his business would be economically viable and the order of the Division Bench would be violated, so, he prayed for necessary order so that, the concerned department may be proceed to fill up the vacancy, but so far as the licensee is concerned that may be stalled till disposal of the appeal pending before the Hon'ble Division Bench being MAT 1543 of 2024.

Ms. Sonal Sinha, learned counsel appearing on behalf of the state authority has handed over the written instruction and submits that the present petitioner is running the FPS with 13,260 beneficiaries. The present vacancy notification was issued only after creating a pool of total 5000 DRCs. It is the contention of the State authority that by such vacancy notification, the business of the petitioner would not be economically viable. It is further contention of the State authority that the order passed by the Hon'ble Division Bench being MAT No.1543 of 2024 is in respect of the parties to the lis. The present petitioner cannot seek the same relief in the present writ petition.

Having heard learned counsel for the parties and also considering the materials on record, it appears to me that the present petitioner is running FPS business for godown over plot no.205 in respect of JL no.88 at Mouza Uttar Jadupur. The present notification dated May 10, 2024 was issued in respect of Mouza Dakshin

Jadupur being JL No.89. It appears that the present petitioner is now running business with huge PDS being number 13,026. The authority concerned has correctly issued a new vacancy within the separate mouza having separate JL number. It is true that the interim order passed by the Hon'ble Division Bench is effective upon the parties to the appeal. The present petitioner cannot claim the same relief in the present writ petition.

Considering the aspect, though it appears to me that the some of the PDS would be de-tagged from the FPS of the petitioner, the same shall not economically viable the business of the petitioner. Moreover, the State authority is statutorily obliged to declare new vacancy for smooth distribution PDS for the beneficiaries.

At this juncture, I find no justification to stall the proceeding in terms of the impugned notification. Accordingly, I find no justification to entertain the writ petition.

Accordingly, the writ petition is disposed of as devoid on merit.

Written instruction filed by the state respondent is taken on record.

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

( Subhendu Samanta, J.)