

20.3. 2025
item No.7
n.b.
ct. no.24

WPA 5869 of 2025

Kartick Chandra Pal & Ors.

Vs.

State of West Bengal & Ors.

Mr. Ramesh Dhara

..... for the petitioners.

Mr. Swapan Kr. Dutta,

Mr. Rajat Dutta,

.... For the State.

The petitioners are the joint owners of a flour mill, namely, M/s. Ma Fullara Flour Mill and engaged in the business of conversion of wheat into fortified Atta/wholemeal Atta in the district of Birbhum.

An agreement was entered into between the concerned department with the present petitioner for supplying wheat by the department wherefrom the petitioners' mill shall turn into fortified Atta/wholemeal Attah for the distribution to the beneficiaries through West Bengal Targetted Public Distribution System.

It is the contention of the petitioners that initially, there is litigation between the petitioners and the department, Hon'ble the Division Bench of this Court has directed the concerned department to allocate quota of wheat in the petitioners' flower mill in terms of agreement was initiated from April 2024, but his allocation was made only since month of October 2024.

It is the contention of the petitioners that the agreement between the concerned department and the

petitioners is going to terminate in this month. Thus, he prayed for extension of such agreement vide a representation to the department on February 17, 2024. His representation was not considered. Rather, the allocation was not made in his favour for the month of April 2025, so he approaches this Court.

Learned counsel appearing on behalf of the State respondent submits that the petitioner has not approached this Court in a clean hand. One notice was served inviting application for selection/empanelment of flower mill for conversion wheat into fortified Attah/wholemeal Attah by a memo of the department dated October 21, 2024. Thereafter, one selection process was initiated wherein the present petitioner took part but he became unsuccessful.

It is the contention of the State respondent that among eleven mills, only six flower mills were empanelled for the district of Birbhum, for which a separate notification was issued on February 5, 2025. The petitioner after being not selected or not empanelled, had made the representation with the authority on February 17, 2024.

It is further contention of Mr. Dutta, that the petitioner has not approached this Court with clean hand, so the writ petition is required to be turned down.

Having heard the learned counsel for the parties, it appears that the agreement of the petitioners for

allocation of wheat and conversion of wheat into fortified Atta/wholemeal Atta with the department was for one year starting from April 2023 ending with March 31, 2025. With the end of March 2025, the said agreement became non est like other flour mills, the term of agreement will also be expired with ending of March 2025. The petitioner was aware about the, fact that is why, he took part in the selection process. The petitioner was not successful but suppressing the state of affairs, the petitioner has approached this Court. The agreement with the Government will be ended with March 2025. So, at this juncture, this Court lacks its jurisdiction for extension of government agreement with the petitioner for further period. As the department has already conducted a selection process, wherein the petitioner has taken part but became unsuccessful. So, petitioner now cannot seek equity before writ court for issuing mandamus by suppressing material facts.

Under the above observation, I find no justification to entertain the petitioner.

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

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

(Subhendu Samanta, J.)