

21.5. 2025
item No.25
n.b.
ct. no. 24

WPA 8395 of 2025

Minsari Bibi

Vs.

State of West Bengal & Ors.

Mr. Pintu Karar,
Mr. Sabab Uddin Laskar,
..... for the petitioner.

Ms. Sonal Sinha,
Ms. Munmun Ganguly,
..... for the respondent.

Petitioner is running a FPS business through the licence issued by the Government of West Bengal Department of Food & Supply, which is valid from 1.1.2024 to 31.12.2026. During conduction of the business stocks balance of earlier MR dealer Farad Momin(deceased) was merged with the present petitioner.

It is the contention of the petitioner that the Sub-divisional Controller (F&S), Malda issued a show-cause notice to the petitioner on February 11, 2025 and also issued second show-cause notice on February 12, 2025 on different grounds. Subsequently, a hearing notice was served upon the petitioner on February 20, 2025 asking her to appear on the Chamber of the SCFRS, Malda on February 21, 2025. Petitioner appeared in the hearing, thereafter, suddenly on March 10, 2025 one suspension order was passed on the report of the of inspection conducted by Chief Inspector, Food & Supply

conducted on March 4, 2025. The concerned department also served another memo dated March 25, 2025 directing the petitioner to comply with the suspension order. The present petitioner approached this Court challenging the suspension order dated March 10, 2025 as well as the direction to comply the suspension order vide memo dated March 24, 2025. By filing a supplementary affidavit, the petitioner also placed some other show-cause notices and personal hearing notice dated April 9, 2025 asking the petitioner to appear before the concerned authority in the personal hearing in respect of the inspection conducted by the Chief Inspector, Food & Supply, Malda.

It is the contention of the petitioner that the act and action of the concerned authority is not reasonable. They issued several show-cause notices but not proceeded with the show-cause notices but directly suspended licence of the petitioner without giving reasonable opportunity of being heard to the petitioner.

Learned counsel appearing on behalf of the state respondent submits that the business conducted by the petitioner is not in conformity with the provision of the Control Order. There are several complaints against the present petitioner. Accordingly, the show-cause notices were issued, on the basis of instruction of the concerned authority one Chief Inspector of English Bazar inspected the godown cum shop room of the petitioner and on the

basis of such report an order of suspension was issued. So there is not illegality on the part of the concerned authority.

Having heard for the parties, it appears to me that there are several show cause notices issued by the concerned department and also issued suspension order against the present petitioner, though, hearing notice in respect of order of suspension was served upon the petitioner. The hearing could not be taken place.

At this juncture, the disputes appearing before this Court have involved some factual matrix, this court could not entered into the merit. Thus, this Court refrains itself from passing any order in this matter and allow the petitioner to approach the concerned appellate authority in respect of her grievances.

Under the above observation, the instant writ petition is disposed of directing the petitioner to approach District Controller, Food & Supply, Malda being respondent no.4 of the writ petition to ventilate her grievances according to law. On such prayer/appeal filed by the petitioner, the District Controller shall dispose of the appeal/ representation according to law after giving opportunity of being heard to the petitioner.

I make it clear that this Court has not entered into the merit of this matter or grievances as raised by the petitioner here.

The District Controller is at leave to dispose of the grievances of the petitioner according to law.

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

(Subhendu Samanta, J.)