

19.8. 2025
item No.17
n.b.
ct. no. 24

WPA 12096 of 2025

Sahana Bibi

Vs.

State of West Bengal & Ors.

Ms. Daisy Basu,
Ms. Benajir Hasna,
Mr. Alivl Islam,
Mr. Sadid Haider,
..... for the petitioner.

Mr. Vivekananda Bose,
Ms. Subhra Nag,
..... for the State respondent.

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

Petitioner applied for licence of MR dealer in terms of the vacancy notification dated February 29, 2024 issued by SCFS, Chanchal, Malda. After her application was accepted online proposed shop cum godown was inspected by enquiry team of concerned FPS on September 7, 2024. However, the enquiry team has submitted a report and the petitioner was called for personal interview by concerned District Level Fair Price Selection Committee. After such personal enquiry through a credible information, the petitioner came to know that the BL& LRO, Ratua-I block has conducted physical a inspection over the proposed shop cum godown of the petitioner and is of opinion that 3-4 feet of her godown has encroached on PWD land. She submitted a representation to the District Controller

regarding inaccurate report BL& LRO, Ratua-I block. Her representation was not considered. She again submitted detailed representation to the department on May 11, 2025. Her representation was not considered. Hence this writ petition.

Learned advocate for the appearing on behalf of the State submitted that there are mass representation to the department by the local people regarding encroachment of petitioner over government land in constructing proposed shop cum godown. The matter was inspected by the BL& LRO, Ratua-I in presence of the petitioner. The petitioner was intimated regarding the fate of the enquiry vide memo dated November 29, 2024. Thereafter, the petitioner made a written undertaking that if any portion of her proposed shop cum godown was constructed over government land, she shall demolish it and shall again reconstruct.

Considering the entire circumstances and facts narrated herein, it appears to me that the petitioner has raised objection about the report of BL& LRO, Ratua-I block. It is the contention of the petitioner that no portion of the proposed shop cum godown of the petitioner has encroached the PWD land. Disputed question of fact arises, thus I think it necessary to relegate the matter to the authority concerned to dispose of the representation of the petitioner.

Accordingly, the instant writ petition is disposed of directing the Sub-Division Controller (F&S) being the respondent no.7 of the instant writ petition to dispose of the representation of the petitioner dated May 11, 2025 within six weeks from the date of passing of this order after giving a reasonable opportunity being heard to the petitioner.

The decision of the authority should be communicated to the petitioner within two weeks thereafter.

I make it clear that this Court has not gone into the merit of this matter, the respondent no.7 shall dispose of the representation in accordance with law without being influenced by any observation of this Court.

Since no affidavits have been exchanged between the parties the allegation made in the writ petition shall be deemed to have been not admitted.

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

(Subhendu Samanta, J.)