

19.8. 2025
item No.19
n.b.
ct. no. 24

WPA 14820 of 2025

Wahed Ali Khan

Vs.

State of West Bengal & Ors.

Mr. Susanta Kr. Mukherjee,
Ms. Sonali Bhar,
Mr. Harekrishna Halder,
..... for the petitioner.
Mr. Suman Sengupta,
Mr. Sambuddha Datta,
..... for the State respondent.
Md. Shamim Halder,
Sk. Sanjib Ahmed,
.... For the respondent no.5.

The petitioner applied for licence in terms of FPS vacancy notification dated June 20, 2024 issued by SCFS, Rampurhat. His proposed shop cum godown was inspected by the concerned Inspector. He appeared in the personal interview. Thereafter, he came to know that private respondent was selected and licence was granted in her favour.

It is the contention of the petitioner that the private respondent cannot be appointed to run the FPS licence by the concerned authority. He made a detailed representation and his complaint against the candidature of the private respondent on numerous grounds. By filing a supplementary affidavit, the petitioner has also categorically raised a point that private respondent has submitted some forged documents, thereby defrauded the respondent authority.

It is the contention of the petitioner that the candidature of the private respondent is required to be cancelled.

Mr. Suman Sengupta, learned counsel appearing on behalf of the State respondent submits that the petitioner has raised some objections and complaints against the private respondent, which required to be verified or considered by the respondent authority. He further submits that this Court cannot go into the merit of the factual aspects, which was raised by the petitioner before this Court.

Learned counsel appearing on behalf the private respondent submits that present private respondent was selected by the concerned authority after complying all due formalities. He submits that the licence was granted in favour of the private respondent and he has now catering the business in the locality.

Having heard learned counsel for the parties and considering the entire matter, it appears to me that the present petitioner has raised some serious question against the candidature of the private respondent, who was selected by the respondent authority. The objections regarding placing forged documents by the private respondent as well as the other objections cannot be considered by this Court as some factual matter is involved therein.

Considering the same, I intend to relegate the matter to the concerned authority to disposed of the grievances of the petitioner.

Under the above observation, the instant writ petition is disposed of directing the Sub-Division Controller(F&S) being the respondent no.4 to the instant writ petition to dispose of the representation of the petitioner dated June 24, 2024 being annexure P-3 of the instant writ petition by giving reasonable opportunity of being heard to the petitioner as well as the all concerned

I make it clear that the petitioner shall placed a detailed representation to the Sub-Division Controller, (F&S) concerned within two weeks from the date of passing of this order along with any document, he intends to rely.

The Sub-Division Controller(F&S) concerned shall dispose of the representation within six weeks from the date of receiving of such representation by giving a reasonable opportunity of being heard to the petitioner, private respondent and all concerned.

I make it clear that this Court have not gone into the merit of this matter, the respondent no.4 shall dispose of the representation in accordance with law without being influenced by any observation of this Court.

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

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

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

(Subhendu Samanta, J.)