

24.9. 2025
item No.13
n.b.
ct. no. 24

WPA 23340 of 2025

Mita Parvin

Vs.

State of West Bengal & Ors.

Mr. Debabrata Saha Ray,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
..... for the petitioner.
Mr. Suman Sengupta,
Mr. Sambuddha Dutta,
..... for the State respondent.

Petitioner applied for licence in terms of the vacancy notification dated June 14, 2024 being no.600/SCL/MSD/24

Petitioner shows the land, which she intends to use his godown and shop room under a lease hold right vide registration lease dated August 22, 2024. Petitioner filed online application on September 6, 2024. In the lease deed, the character of the land was described as “Aush presently godown”. The petitioner applied for conversion before the concerned BL & LRO vide an application dated August 24, 2024.

Petitioner’s proposed shop cum godown was inspected on November 9, 2024. She was called in personal hearing by the concerned District Level Shop Selection Committee. However, she made an application before the concerned senior Special Secretary(F&S) on 21.7.2025 contending inter alia, that at the time of

application of individual FPS licence dated 6.9.2024 her land conversion application was in progress till September 13, 2024. According to the order sheet produced by BL & LRO of concerned block against the letter under RTI 2025. She made a prayer before the authority to consider her candidature sympathetically. In response to his letter, the Assistant Director(Licence) issued impugned memo dated September 9, 2025 contending inter alia as follows:

“With reference to above, I am hereby directed to inform that as per report of SCF&S Lalbag, you were submitted your application as on 06.9.2024 for FPS vacancy and you applied for conversion of land as on 2.8.2024 and it was rejected on 13.9.2024 by the concerned authority. You were submitted your second application as 12/9/2024 for land conversion. Your second application was made after submission of dealership application. Hence you are not eligible for the said vacancy. So, your petition is disposed of.”

Mr. Saha Ray, learned advocate appearing on behalf of the petitioner submits that the candidature of the petitioner cannot be termed as ineligible. She has already applied for conversion prior to the date of application. The conversion of the land has already been completed by the concerned authority on September 23, 2024. The inspection was held over the proposed shop cum godown of the petitioner on November 9, 2024. Thus, at the time of inspection, the proposed shop cum godown was constructed over the land, which was converted to godown. He submits that observation in the impugned memo is not tenable in the

eye of law. He placed a report of the concerned BL & LRO, who suggests that the petitioner has made subsequent application on September 12, 2024 on behest of the concerned Revenue Officer.

Mr. Saha Roy, learned senior counsel submits that his application dated September 12, 2024 for land conversion there is only change as Form No., suggested by the concerned Revenue Inspector. He further submits that as the petitioner's application was prior to the filing application for vacancy. Thus, the impugned memo is required to be set aside.

Mr. Saha Roy, learned senior advocate also placed on record two judgments of Hon'ble Division Bench in **Gouri Das Biswas Vs. State of West Bengal (MAT 224 of 2024)** as well as the **Archana Jana Vs. State of West Bengal (MAT 1300 of 2025)**.

I have perused the judgment of Hon'ble Division Bench in **Archana Jana**, the issued dealt with by the Hon'ble Division Bench in paragraph 34 to 38 which is reproduced as follows"

"34. Even in respect of other categories of properties than leased ones, the production of records of rights is optional.

35. Under Clause (A), which deals with ownership properties, the requirement under sub-clause (a) is the production of the photocopy of records of rights/registered deed of conveyance, etc. However, such requirement is diluted and made optional by the immediately succeeding sub-clause (b), which provides that a document showing the character of land as „doka / commercial / bastu, would be sufficient if records of rights are not produced.

36. It is conspicuous that the language used in respect of the records of rights in the said sub-clause is

not “is not available” but “is not produced”, thereby leaving the option entirely on the applicant either to produce the records of rights or any document showing the character of land as dokan / commercial / bastu, irrespective of the availability or nonavailability of records of rights.

37. Even in case of a property owned by a family member of the applicant, covered by Clause (B) of the vacancy notification, the requirement is similar to that of an owned property.

38. Hence, from a composite reading of all the provisions of Clause 10 of the vacancy notification, we find that the production of the records of rights is entirely optional and if any document is produced showing the nature and character of the land, it would suffice for getting a licence. Rather, in the case of a leased out property, there is no requirement even to produce the extracts of the records of rights as an option. The only document required is a registered / notarized lease deed which may describe the character of the property, which was duly produced in the present case.”

Mr. Suman Sengupta, learned Junior Standing counsel appearing on behalf of the state respondent submits that the authority concerned has followed the procedure in selecting of particular person for FPS dealer. It is the procedure that each and every person may apply for licence in respect of a land construction of godown, which may not be classified as “Dokan/commercial/Bastu” but for that reason, applicants may apply for conversion of the same, prior to online application for vacancy.

Mr. Sengupta further submits that the procedure so adopted by the concerned respondent authority is well-known to the petitioner. For that reason, she applied for conversion. He further submits that though the petitioner applied for conversion on August 24, 2024 i.e. prior to the filing online application but her

application was turned down and rejected on September 13, 2025. Subsequently, the petitioner again submits second application on September 12, 2024, which was allowed by the concerned BL & LRO vide an order on September 23, 2024. As the subsequent application of the petitioner for conversion is made after the online application i.e. after September 6, 2024, the authority concerned has correctly taken the stand that the candidature of the application is to be termed as ineligible. He submits that there is no illegality in the impugned memo.

Mr. Sengupta, learned counsel has also referred the judgment of Hon'ble Supreme Court in **Ramana Dayaram Sethi(1979) 3 SCC 489** wherein it has been categorically observed by the Supreme Court, the authority are equally bound and has to follow the procedure and the norms of selecting candidates. He submits that the authority concerned has to term as the petitioner as in-eligible for the said vacancy as she applied for conversion on September 12, 2024 i.e. after the date of submission online application i.e. September 6, 2024. He further submits that the Hon'ble Division Bench in deciding the issue has made it clear that filing of R.O.R at the time of online application regarding character of land is optional. But the procedure adopted by the authority regarding issuance of licence in

favour of the person over a land character of which must be 'Dokan/Vastu/Commercial/'.

Having heard learned counsel for the parties and considering the nature of issues involved herein, it appears that the petitioner applied for licence for FPS dealer. She used agricultural land for construction of proposed shop cum godown, the registered deed of lease describes the character of land as "Ayush presently godown". Petitioner was well aware about the nature and character of land. Consequently, she filed an application for conversion on August 24, 2024 for converting land character as "godown" from "Aush".

It is the contention of the petitioner that on the behest of the Revenue Inspector, she filed subsequent application on September 12, 2024.

It is further contention of the petitioner that the character of land was converted by order of the concerned authority on September 23, 2024. Per contra, it is the submission of the State authority that the application for conversion of land of the petitioner dated August 24, 2024 was turned down on September 13, 2024. She made one subsequent application on September 12, 2024, which was allowed to the authority on September 23, 2024.

It is the impugned memo of the authority that as the petitioner applied for conversion of land after the

date of submission of online application, thus she is ineligible.

The observation of Hon'ble Division Bench regarding submission of R.O.R. regarding character of land is optional. Issue involved in the instant writ petition is that whether the petitioner being an applicant has applied for conversion of licence prior to her submission of application or her subsequent application dated September 12, 2024 to be taken as an fresh application for conversion.

The conversion certificate was place don record as P-5 of the writ petition(at page 55) which shows the date of application as September 12, 2024. The concerned BL & LRO has replied one RTI application of petitioner on August 4, 2025, which was placed on record as P-6(page 57 of the writ petition). It seems that the said memo of concerned BL & LRO is relevant to decide the issue properly

“This is to inform you that a review of your conversion case application date 24.8.2024 over plot no 499, measuring area –0.025 acre of mouza Bansbari, J.L. NO.021 has been completed. To ensure a smooth process, we recommend applying in 1C Form U/S 4© of the W.B.L.R. Act, 1955, which is the designated form for this purpose. And subsequently application dated 12.9.2024 over the said plot vide case no.CN/2024/1216/523 was allowed and disposed. This is for his information.”

The memo dated August 8, 2025 demonstrates that the petitioner first applied for conversion on August 24, 2024 over the plot no.499. In their reply, the

concerned BL & LRO has indicated that to ensure a smooth process, they recommended applying one Form – C under Section 4C of WBLR Act, 1955.

Admittedly, it appears that when the petitioner first applied for conversion on August 24, 2024, he applied the same under Form 1A. The application for conversion is required under form 1C.

The contention of the petitioner is that during the pendency of the said proceeding before the Revenue Inspector, she filed the subsequent application under Form 1C on September 12, 2024 on the instruction of the concerned Revenue Inspector.

Mr. Sengupta, learned counsel for the State has placed on record the order of Revenue Inspector, which discloses the order of the concerned BL & LRO wherefrom it appears that no such instruction was given to the petition.

After hearing the parties and considering the memo issued by the BL & LRO on August 4, 2025, it appears to me that the petitioner has applied for conversion prior to the submission of his application for licence on August 24, 2024. Subsequently, another application was made on September 12, 2024, it is pertinent to note that the application dated September 12, 2024 was filed prior to rejection(September 13, 2024) of the earlier application. From the order sheet, as placed by Mr. Sengupta, it appears that the application

for conversion dated August 24, 2024 was rejected on September 13, 2024 without assigning any reason. However, the petitioner has applied for the conversion on September 12, 2024. From conduct of the petitioner it appears to me on the instruction upon petitioner by the concerned Revenue Inspector, who was dealing with the conversion case is not appearing in order sheet. The memo dated August 4, 2025(annexure P-6) also disclosed that they recommend petitioner for applying in form 1C. The petitioner being a citizen of India apply for conversion. She may not be well aware about the Forms, which she can apply but the said application required to be rejected in limini, if it was filed in wrong Form No. But the authority concerned has proceeded fairly in terms of her application by issuance of notice to the other interested parties and subsequently, at the time of final order, they are of opinion that application was filed in wrong Form No. Thus, they recommended the petitioner to further apply in form 1C. It appears that the petitioner has filed the subsequent application at the instruction of the concerned officer, who was dealing with the conversion case, thus the application dated September 12, 2024 filed by the petitioner must have to be treated as the continuous of her earlier application dated August 24, 2024. Thus it appears to me that the Assistant Director(Licence), who has opined

that earlier application of the petitioner dated August 24, 2024 was rejected, is not justifiable.

I am of the view that the observation and the finding of Assistant Director(Licence) is not correct. He must have given through precise concentration to the entire procedure properly.

Thus, I am a clear view that the memo dated September 9, 2025 issued by the Assistant Director(Licence) dated September 9, 2025 is hereby quashed.

The concerned authority is directed to consider the candidature of the petitioner, along with other candidates for issuance of licence.

The concerned authority shall issue licence in favour of the most suitable candidate in respect of impugned vacancy notifications, according to law.

Under the above observation, the writ petition is disposed of.

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

(Subhendu Samanta, J.)