

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

MAT 1704 of 2025
With
CAN 1 of 2025
Saheba Khatun
Vs.
The State of West Bengal and Ors.

For the petitioner : Mr. Kaustav Banerjee,
Ms. Ria Kundu, Advs.

For the State : Mr. Swapan Kr. Datta,
Ld. Snr. Adv. and AGP,
Mr. Dipankar Das Gupta, Adv.

Heard on : September 25, 2025.

Judgment on : September 25, 2025.

Sabyasachi Bhattacharyya, J.:

1. Heard learned counsel for the parties.
2. The present challenge has been preferred against an order dated September 15, 2025 whereby, it is argued, there was a deemed refusal

of ad interim relief sought by the petitioner/appellant before the writ court.

3. It transpires from the impugned order that the learned Single Judge merely directed counsel for the petitioner to take instruction regarding the fact narrated by the learned Additional Government Pleader to the effect that FPS license, in terms of the relevant vacancy notification, has already been granted and allotment has already been made in favour of the private respondent, who will distribute the ration articles since the first week of October, 2025.
4. Learned counsel for the appellant argues that it is evident from the communication made to the appellant, annexed at page 66 of the stay application filed in connection with the appeal, that the appellant was equally eligible a for grant of FPS license as the private respondent, even in the perception of the respondent authorities.
5. However, it is contended that it will also transpires from the layout of the land, as reflected in the map annexed at page 66 of the stay application filed herein, that the specifications of the property required to be offered by the candidates, to be eligible, was not met by the private respondent. Apart from land offered by the private respondent being a *shali* land, the plinth height of the godown did not meet the criterion as per the vacancy notification.

6. Learned AGP submits that the documents now sought to be relied on were not part of the writ petition.
7. Learned counsel for the appellant submits that although not annexed to the writ petition, the contents thereof were referred to in the writ petition.
8. Learned AGP also opposes the prayer on merits and points out that there is no infirmity in the impugned order and that since license and allotment have already been granted in favour of the private respondent, the learned Single Judge was justified in not granting any interim order.
9. We find substance in the contention of the State.
10. Insofar as the impugned order is concerned, we do not find that the same tantamounts to a “judgment” amenable to intra-court appeal, within the contemplation of the Letters Patent, since the respondents’ counsel was merely directed to take information on germane facts by the impugned order.
11. In any event, it is reflected from the impugned order that the FPS license as well as the allotment have already been issued in favour of the private respondent, who is to start distribution of the ration articles from the first week of October, 2025.

12. Keeping in view the public interest element involved in the public distribution system of ration articles, no interim order ought to be passed at this juncture since, if granted, such order will paralyze the public distribution system in respect of essential commodities, thereby adversely affecting the multitude of people, primarily coming from the marginalized sections of society. Thus, there was no illegality or infirmity in the impugned order in not granting ad interim injunction/stay in favour of the writ petitioner/appellant.
13. As such, the impugned order does not call for any interference.
14. Accordingly, MAT 1704 of 2025 is dismissed on contest without any order as to costs. CAN 1 of 2025 is also disposed of consequentially.
15. It is, however, made clear that any action taken in the meantime shall abide by the final outcome of the writ petition and it will also be open to the writ petitioner/appellant, if otherwise entitled in law, to claim other reliefs, by way of damages or otherwise, which shall be subject to the consideration of the writ court.
16. In any event, we are confident that the learned Single Judge shall dispose of the writ petition early.
17. The parties and all concerned shall act on the server copy of this order, duly downloaded from the official website of this court.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)

Ct. no. 10
AD-64
(SSS)