

11.6. 2025
item No.2
n.b.
ct. no. 24

WPA 29479 of 2024

Sri Kashinath Dutta

Vs.

The Government of West Bengal & Ors.

Mr. Dilip Kumar Maiti,
..... for the petitioner.
Mr. Suman Sengupta, Sr. Adv.
Mr. Sanatan Panja,
..... for the State.

One Bhamar Kumar Dutta was erstwhile MR dealer of Mouza Bebirdih, under Kashipur Block, District Purulia. He expired on November 11, 1993 leaving behind petitioner as his only adopted son. Petitioner applied for licence on compassionate ground. The department after thorough enquiry, has issued licence in favour of the petitioner in the year 1994. Since then, the petitioner is running the business.

It is the case of the petitioner that all of a sudden, the concerned Sub-Division Controller, Food & Supplies, Raghunathur issued a memo dated October 29, 2024 stating inter alia, about an order of learned Civil Judge, Senior Division, Additional Court, Bankura whereby it has been alleged that the present petitioner is not adopted son of erstwhile MR dealer Bhamar Kumar Dutta. By issuance of such explanation notice, the concerned Sub- Divisional Controller, Food & Supplies directed the petitioner to explain the situation within

seven days from the date of issuance of the letter. Petitioner replied the explanation notice through letter dated November 11, 2024 contending, inter alia, that he was completely unaware about the order passed by the learned Civil Judge, Senior Division, Bankura. The concerned Sub-Divisional Controller, Food & Supplies, in receiving such reply again directed the petitioner to appear before the authority on a particular date and time for final hearing along with all related documents.

Being aggrieved by the said memo dated November 27, 2024 the petitioner approached this Court.

On the outset, it appears to me that the allegation against the petitioner is grave in nature. If the concerned authority have the document i.e. the order of the learned Civil Judge concerned, the authority must have to act upon the order passed by the Civil Judge. However, from the impugned letter dated November 27, 2024, it appears to me that the concerned authority has not initiated any proceeding against the present petitioner. They just call the petitioner in personal interview along with related papers and documents.

It is the contention of the learned counsel for the petitioner that the petitioner have no document regarding the case/suit and the alleged decree passed by the learned Civil Judge, Senior Division, Bankura.

I make it clear that the impugned memo dated November 27, 2024 is a very general and omnibus

issued to the petitioner for calling him in personal interview. By such letter, the petitioner cannot be said to be aggrieved as no proceeding had ever been initiated by the concerned authority against the petitioner. However, the petitioner cannot be heard effectively without service of copy of document or complaint against the petitioner.

Under the above observation, the instant writ petition is disposed of without a specific direction to the petitioner to approach the concerned authority through written request within two weeks from date. On such approach, the authority concerned shall hand over the copy of the order passed by the learned Civil Judge concerned and the other document if any along with complaint made against the petitioner on the date itself.

On receiving such document, the petitioner shall furnish his written explanation to the authority within two weeks thereafter.

The authority shall disposed of the representation and the explanation of the petitioner within one week thereafter. The decision of the authority shall be intimated within one week thereafter.

I make it clear that this court has not entered into the merit of the matter, the authority concerned shall dispose of the representation of the petitioner and the explanation thereof according to law without being influenced by any observation of this Court.

Since no affidavit has been exchanged between the parities, 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.)