03.07.2025

Item No.11
Ct. No. 4
KB

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

WPA/1279/2025

AMIT KUMAR DAS
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Baidurya Ghosal,
Ms. Avipsha Dutta Roy
…for the petitioner.

Mr. Subir Kumar Saha,
Mr. Sourav Sarkar
…for the State.

Affidavit of service filed today be kept with the records.

The petitioner claims to be the owner of one M.R. shop in Rangdhamali, Jalpaiguri under license no. WB0328818223. The petitioner obtained license in respect of such shop in March 2021 after the demise of his father on March 14, 2019. It is asserted by the petitioner that in terms of the prevailing rules, the ration shop of petitioner's father was tagged with other M.R. shops at the relevant time.

It is the petitioner's case that the petitioner distributed ration stocks using his father's official portal ID till October 17, 2021 but on and from October 18, 2021, upon a new portal ID being issued in the name of the petitioner, he could no longer distribute ration stocks using his father's portal ID. It is submitted that since the allocation was made under the official portal ID of the petitioner's father, therefore, upon a new portal ID being issued to granted in the name of the petitioner when the petitioner could no longer use the said portal ID of his father, he therefore distributed his allotted ration items through the portal ID allotted to him despite having a negative stock balance.

It is further alleged that in June 2022 and in June 2023, the respondents deducted allocated stocks from the petitioner's portal without any prior intimation and then from November 2024 such deduction from the stock allocated to the petitioner's portal was again started in a bid to reconcile some discrepancy in stock balance vis-a-vis the petitioner's e-Pos and the petitioner's father's portal. The petitioner alleges that such adjustment is still going on.

The petitioner further asserts that the closing balance of the petitioner's stock for the month of March 2023 had been adjusted in June 2023 by deducting the stock balance of the earlier dealer i.e. the petitioner's father.

The petitioner also alleges that although allocations for December 2021 and March 2022 had been merged, yet, the petitioner has received only half of the allocation and he was not provided with the full stock allotted by the relevant department.

It is also submitted by the petitioner that the aforesaid discrepancy and the deficient allocation have resulted in irreparable loss to the petitioner and as such, the petitioner has made a detailed representation before the relevant authorities firstly on January 9, 2025 (received by the respondent authority on January 13, 2025) and has then followed up the same by a letter dated February 19, 2025 issued through the learned Advocate for the petitioner to the Sub-Divisional Controller, Food & Supply, Jalpaiguri.

The petitioner now complains that despite such representation having been made, no steps have been taken by the respondent to redress the petitioner's grievances.

The state is represented.

Having heard the learned Advocates appearing for the respective parties and having considered the material on record, it appears that the allegation made by the petitioner need to be adequately dealt with and the issues raised by the petitioner need to be resolved and/or decided by the respondent no. 2 i.e. Sub-Divisional

Controller, Food & Supply, Jalpaiguri, at the first instance and not this Court under Article 226 of the Constitution of India.

This writ petition is therefore disposed of by directing the respondent no. 2 to consider and dispose of the petitioner's representations dated January 9, 2025 (Annexure P-7 at page 97 of the writ petition) and February 19, 2025 (at page 98 of the writ petition) within a period of three weeks from the date of communication of this order, by passing a reasoned order strictly in accordance with law, upon giving an opportunity of hearing to the petitioner.

It is needless to mention that the reasoned order passed by the authority within the aforesaid time frame shall be communicated to the petitioner within a week from passing thereof.

Since the petitioner's complaint pertains to deduction of the petitioner's stock, the respondent no. 2 shall consider the time frame fixed by this Court for consideration and disposal of the petitioner's representation, upon hearing the petitioner as aforesaid, to be peremptory and mandatory.

Needless to mention that this Court has not gone into the merits of the case and all points are left open to be decided by the respondent no. 2, strictly in accordance with law.

Accordingly, WPA No. 1279 of 2025 stands disposed of.

(Om Narayan Rai, J.)