

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/53/2025

SUJAN CHANDRA ROY
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE

The Hon'ble Justice SUBHENDU SAMANTA

Date: 30th January, 2025.

Mr. Kalyan Bandyopadhyay, Sr. Adv.
Mr. Ramesh Dhara, Adv.
Mr. Gourav Banerji, Adv.
...for the petitioner
Ms. Sonal Sinha, Adv.
Mr. Amrita Lal Chatterjee, Adv.
...for the State-respondents

THE COURT: The instant writ petition is filed seeking direction upon the concerned authority to issue licence in favour of the petitioner in respect of the vacancy of distributor at Block-Raiganj, under Sub-Division – Raiganj in the District of Uttar Dinajpur.

It is the case of the petitioner that the Deputy Director (Licence), Dte.of DDP&S has issued a Memo on 8th June 2023, contending, inter alia,

MEMO DATED : 08.06.2023

In connection with the F&S Deptt. No. under reference on the captioned subject, the undersigned is directed to inform him that after due consideration as per Control Order, application for Distributorship Licence of Sri Sujan Chandra Roy has been approved by the F&S Deptt., Govt. of West Bengal for engagement as MR Distributor against Fresh vacancy at Raiganj Block, Dist.- Uttar Dinajpur duly published vide Vacancy Notice No.-2859-FMR/13L-36/14(Part-V) dated 01.09.2022 in the Official Website as well as Daily Newspaper.

But in view of Interim Order of the Hon'ble High Court in the matter of W.P.A No.1151 of 2023 (Sujata Mitra & Anr.-Vs.-The State of West Bengal & Ors.), licence in favour of the approved applicant shall not be issued till disposal of the said Writ Petition.

It is the case of the petitioner that an interim order was passed in WPA/1151/2023 in view of pendency of appeal being MAT 296/2022. The said appeal has been dismissed and disposed of.

Mr. Bandyopadhyay, learned senior advocate appearing on behalf of the petitioner submits that there is no embargo to issue licence in favour of the petitioner as there is no such interim order for issuance of licence in favour of the petitioner.

Mr. Bandyopadhyay also fairly submits that by virtue of decision of a batch of writ petitions passed in WPA 22281/2022, an appeal being MAT 1543/2024 was preferred before the Hon'ble Division Bench, wherein an interim order was passed by the Hon'ble Division Bench for not to delink any dealers from any distributors.

Mr. Bandyopadhyay submits that the present petitioner is not a party to the proceedings. So, the interim order passed by the Hon'ble Division Bench in MAT 1543/2024 is not effective upon the petitioner.

Ms. Sonal Sinha, learned counsel appearing for the State respondents submits that the authority concerned has already taken a decision for issuance of licence in favour of the petitioner. So, necessary order may be passed.

Having heard the learned counsel for the parties, it appears to me that the impugned Memo dated 8th June, 2023 specifically restrained the petitioner from issuance of a distributorship licence by virtue of a pending interim order passed in WPA/1151/2023. The interim order in WPA/1151/2023 was passed by virtue of a pending appeal being MAT 296/2022. The said appeal was dismissed and disposed of vide order

dated 18.01.2024. Thus, there is no legal impediment to issue licence in favour of the petitioner.

The petitioner is not a party to the appeal being MAT 1543 of 2024. Thus, the interim order in appeal is not binding upon petitioner.

Under the above observation, the instant writ petition (WPO/53/2025) is disposed of with a direction upon the concerned authority to issue licence in favour of the present petitioner, according to the provisions of law, if he is otherwise found to be suitable for licence.

(SUBHENDU SAMANTA, J.)