

30-03-2026
ct no. 10
Sl. 5
RP

WPA 401 of 2026
Asif Imran
-Versus-
State of West Bengal & Ors.

Mr. Debabrata Saha Roy, Sr.Adv,
Mr.Pingal Bhattacharyya,
Mr. Subhankar Das

...for the petitioner

Mr. Suman Sengupta,
Mr. Dwaipayan Basu Mallick,
Mr. Sanatan Panja

...for the State

1. Petitioner applied for licence in terms of the vacancy notification dated May 16, 2024 being no.456/SCL/MSD/2024.
2. Petitioner shows the land, which he intends to use his godown and shop room under a deed of lease vide registration lease deed dated August 08, 2024. Petitioner filed online application on September 01, 2024. In the lease deed, the character of the land was described as "Danga to Viti". The petitioner applied for conversion before the concerned BL & LRO vide an application dated January, 02, 2025.
3. Petitioner's proposed shop cum godown was inspected on January, 06, 2025. He was called in personal hearing by the concerned District Level Shop Selection Committee. However, he made a

representation before the respondent authorities on 04.01.2025 of 16.05.2024.

4. Mr. Saha Ray, learned advocate appearing on behalf of the petitioner submits that the candidature of the petitioner cannot be termed as ineligible. The application for conversion of the land has been completed by the concerned authority on January, 02, 2025. The inspection was held over the proposed shop cum godown of the petitioner on January, 06, 2025.

5. 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)** and one judgment of the Hon'ble Single Bench in **WPA 23340 of 2025 (Mita Parvin -vs- State of West Bengal & Ors.)**

6. 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.

of 35. Under Clause (A), which deals with ownership properties, the requirement under sub-clause (a) is the production of the photocopy of records 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 dokaan / 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 dokaan / 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."

7. Mr. Suman Sengupta, learned counsel appearing

on behalf of the state respondent submits in this context 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 "Dokaan/commercial/Bastu" but for that reason, applicants may apply for conversion of the same, prior to online application for vacancy.

8. Mr. Sengupta further submits that the procedure so adopted by the concerned respondent authority is well-known to the petitioner. For that reason, he

applied for conversion. He further submits that though the petitioner applied for conversion on January, 02, 2025 i.e. after filing online application which was allowed by the concerned BL & LRO vide an order on February, 02, 2025. As the application of the petitioner for conversion is made after the online application i.e. after January, 02, 2025, the authority concerned has correctly taken the stand that the candidature of the application is to be termed as ineligible and rejected. He submits that there is no illegality in the impugned rejection.

9. Having heard the learned counsel for the parties and considering the nature of issues involved herein, it appears that the petitioner applied for license for FPS dealer. He used the land for construction of proposed shop cum godown, the registered deed of lease describes the character of land as "Danga presently viti".

10. I am of the view that the impugned action of the respondent is not correct in the light of the observation of the Hon'ble Division Bench of this Court as regarding submission of ROR and character of land is optional thus the petitioner shall be considered as an eligible candidate.

11. The concerned authority is directed to consider the candidature of the petitioner, along with other candidates for issuance of license.
12. The concerned authority shall issue license in favour of the most suitable candidate in respect of impugned vacancy notifications, according to law.
13. In view of the above, the writ petition is allowed and disposed of by setting aside the order of rejection being annexure "P-10" at page 68.
14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Smita Das De, J.)