

28.1.2026
Item no. 22
Court no. 10
AGM

WPA 1129 of 2026

Safique Ikbal
Vs.
State of West Bengal & Ors.

Mr. Debabrata Saha Ray,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das.
Mr. Neil Basu.
Mr. Sankha Biswas.
Mr. Avidipta Pal.
Ms. Oindrilla Sarkar.

..... for the petitioner.

Mr. Sirsanya Bandopadhyay. Sr. Standing Counsel.
Ms. Tapati Samanta.

..... for the State respondent.

1. Petitioner applied for licence in terms of the vacancy notification dated November 28, 2024 being no.862/SCFS/BER/2023.
2. Petitioner shows the land, which he intends to use his godown and shop room under sketch map of the godown. Petitioner filed online application on March 12, 2025. The petitioner applied for conversion before the concerned BL & LRO vide an application dated April 7, 2025.
3. Petitioner's proposed shop cum godown was inspected on June 03, 2025. He was called in personal hearing by the concerned District Level Shop Selection Committee. He made a representation before the respondent authorities on 03.11.2025.

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 already been done and completed by the concerned authority on September 24, 2025. The inspection was held over the proposed shop cum godown of the petitioner on June 03, 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.

35. Under Clause (A), which deals with ownership properties, the requirement under sub-clause (a) is

the production of the photocopy of records of 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 „dokan / 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 dokan / 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. Learned counsel appearing on behalf of the state respondent submits 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 “Dokan/commercial/Bastu” but for that reason, applicants may apply for conversion of the same, prior to online application for vacancy.

- 8.** Learned State advocate 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 April 7, 2025 i.e. after filing online application which was allowed by the concerned BL & LRO vide an order on September 24, 2025. As the application of the petitioner for conversion is made after the online application i.e. after March 12, 2025, the authority concerned has correctly taken the stand that the candidature of the application is to be termed as ineligible. He submits that there is no illegality in the impugned memo.
- 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 sketch map of the godown describes the character of land as “godown and office”.
- 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.** Under the above observation, the writ petition is allowed and disposed of.
- 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.)