

25-03-2026
ct no. 10
Sl. 6
RP

WPA 1774 of 2025
With
CAN 1/2025
With
CAN 2/2025
With
CAN 3/2025

Latifur Rahaman
-Versus-
The State of West Bengal & Ors..

Mr. Utpal Das

...for the petitioner

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty

...for the State

Mr. Syed E. Huda,
Sk . Aptabuddin,
Ms. Nabeela Akbar

...for the application in CAN 2/3 of 2025

1. The petitioner in the instant case has challenged inter alia, the impugned vacancy notification vide Memo No. 231/ESTT/SCFS/RGJ/2024 for the appointment of an FPS dealer over the operational area, where the present petitioner is already running an FPS shop dealership business with an unblemished track record has been providing services satisfactorily for a long period.

2. Main grievance of the petitioner pertains to the creation of a new vacancy for the service area Ballyjole, Keotole, Kotar, Palaibari and Ujani with the central location designated at Kotar Krishna temple. Such an alteration would drastically reduce

the number of beneficiaries thereby, causing financial hardship.

3. During the pendency of the writ petition that the State respondent being the issuing authority, has already granted a license in favour of one Mr. Shamim Aktar Chowdhury on 28.07.2025 which remains valid from 17.10.2025 till 31.12.2025.

4. The petitioner submits that there exists an interim order restraining the authorities from proceeding with the selection process. However, as far as, the grant of licence is concerned, the same shall not be issued or given effect to till the disposal of the batch of appeals pending before the Division Bench of this Court being in **MAT 1543 of 2024 and Ors.**

5. The petitioner has filed an application being CAN 1 of 2025 for the cancellation of FPS Licence No. 33041323302 granted in favour of one Shamin Akhtar Chowdhury on 18.10.2025.

6. The petitioner submits that the grant of FPS dealership to one Shamin Akhtar Chowdhury within 500 meters of the same service area may have a cascading effect on the petitioner's own FPS dealership.

7. Two CAN applications (CAN 2 of 2025 and CAN 3 of 2025) have been filed by the learned counsel appearing for Shamin Akhtar Chowdhury, in

whose favour the licence has been granted by the state respondents.

8. CAN No. 2 of 2025 seeks impleadment of the applicant as a party respondent in the pending writ petition. The said application has been filed on the ground that the applicant is a necessary party whose legal rights are directly affected by the interim order. The applicant has further filed CAN 3 of 2025 seeking vacation of the interim order passed by the Coordinate Bench of this Court, to protect his interest and prevent prejudice, as he has never been heard when the initial order has been passed.

9. The learned counsel for the applicant submits, that subsequent to the filing of the Writ petitions the applicant has been granted a licence. However, due to the interim order dated 28.01.2025 passed by the Coordinate Bench of this court the applicant is unable to operationalise the said licence, causing grave financial hardship.

10. It is submitted by the applicant that he is a *bona fide* holder of a licence granted by the State respondents. Since he has not been made a party to the Writ petition, the interim order passed by this Coordinate Bench of this court directly affects the applicants' statutory right to operate under the licence granted by the authorities. Therefore, is a necessary and proper party to the present proceedings. The applicant's right to livelihood is

being curtailed without being given an opportunity of hearing.

11. In view of the above, the application CAN 2 for impleadment be allowed and the outcome of CAN 3 of 2025 shall abide by the outcome of the instant Writ petition.

12. In the instant Writ petition, the petitioner contends that the licence of the applicant covers the same service area, leading to illegal curtailment or overlapping of the existing ration card unit strength assigned to the petitioner.

13. The state respondents files a report in the form of an affidavit affirmed on 24.03.2026 by relying upon clause E and F of paragraph 5 which is reproduced below:

“(e) however, it is stated that this FPS Vacancy ID 202200219903 vide 231/ ESTT/ SCF&S/RGJ/2024 dated 14/05/2024 with serving area Balijole, Keotal, Kotar, Palaibari and Ujani of Surun –II G.P. is not created by taking beneficiaries from the petitioner. On the contrary the said FPS Vacancy has been created by taking beneficiaries from the serving area of other FPS i.e. Purnima Das (133000200005) and the FPSs also serve the same serving area.

(f) As such the petition challenging the direction of declaring vacancy for appointment of dealer under the control order, 2013 and the challenge to the vires of the said control order, 2013 is baseless, apprehensive and lacks any cause of action and locus standi and as such the said writ petition is liable to be dismissed in limine with exemplary costs.”

14. Granting a licence to the applicant does not infringe or prejudice the petitioner’s right, as the FPS vacancy has already been created. It is further contended that the issuing authorities have created the FPS vacancy by reallocating beneficiaries from

the service areas of Purnima Das, which overlaps with the same service area.

15. It is further contended that the petitioner's objection to the curtailment of the beneficiaries or to the establishment of another FPS Ration shop in the same area, is not the subject matter of the instant Writ petition.

16. After careful consideration of the case upon perusal of the records, I am of the considered view that the issue is limited to the grant of a licence to the applicant, focusing on the establishment of the FPS dealership within a reasonable proximity to the central portion area, upto the existing shop of the petitioner. The petitioner's right has already been protected based on the assurance given by the state respondent as no beneficiaries will be curtailed / taken from the petitioners service area.

17. It is further submitted by the state respondent that the demarcation is distinct. It is clarified that there shall be no curtailment of ration cards currently attached to the petitioner's shop to accommodate the new licensee. Taking note of this and the report filed by the State respondents, it appears to this court that the petitioner must not have any grievance against the impugned vacancy notification.

18. The Writ petition is disposed of along with other connected applications, by dismissing the CAN 1 of 2025.

19. However, it is made clear that the state respondent being the issuing authority, shall act in accordance with the undertaking given on 20.01.2025 being Annexure A3 at page 13 of CAN 3 of 2025, ensuring that no ration cards to be transferred from the petitioner to the applicant without following the due process of law.

(Smita Das De, J.)