

17.03.2026
Item No.10
Court No.11
Avijit Mitra

**MAT 293 of 2026
with
IA No.CAN 1 of 2026**

**The State of West Bengal & ors.
- Versus -
Subrata Ghosh**

Mr. Kishore Datta, Ld. Advocate General,
Mr. Suman Sengupta, Sr. Govt. Adv.,
Mr. Sambuddha Dutta,
Mr. Ritesh Kr. Ganguly
...for the appellants
Mr. Surajit Nath Mitra, Sr. Adv.,
Mr. Ramesh Dhara
...for the writ petitioner/respondent

Affidavit of service filed in Court today is taken on record.

This appeal has been preferred challenging the legality, validity, and/or propriety of the order dated 30th January, 2026, passed in a writ petition being WPA 15750 of 2025. By that order, which was interlocutory in nature, the appellants were restrained from making any fresh allotment in respect of the district Nadia, which had been notified by an order dated 25th June, 2025, till 31st March, 2026 or until further orders, whichever is earlier.

With the consent of parties, we are taking up the appeal for final hearing.

Mr. Datta, learned Advocate General appearing for the appellants, submits that following an implication of the writ petitioner in a criminal case, the fresh empanelment in his favour was withheld, and no allotment of wheat was granted to his firm. The writ petitioner filed a representation, which was considered and disposed of by an order dated 25th June, 2025,

inter alia, holding that the writ petitioner is not eligible for empanelment/renewal as per the provisions referred to in the order. Challenging the said order dated 25th June, 2025, the writ petition being WPA 15750 of 2025 was preferred. However, by passing an interim order, the allotment in respect of the entire district has been stopped. He submits that, as a consequence of that order, the customers of the entire district are suffering the most. He asserts that such interim order cannot be sustained and, in view thereof, the same needs to be set aside.

Mr. Mitra, learned Senior Advocate appearing for the writ petitioner/respondent, vehemently opposes the contention advanced by Mr. Datta. He submits that, initially, the writ petitioner was empanelled as per the Control Order of 2013. He further submits that, although the writ petitioner has not infringed the provisions of Clause 3(4) of the Guidelines of 2024, invoking Clause 5(4) of the said Guidelines, the fresh empanelment of the writ petitioner has been denied.

He submits that both the above provisions of these two clauses relate to the renewal of empanelment, whereas the writ petitioner's case concerned the grant of fresh empanelment. He further submits that this issue was urged before the Director, DDP&S; however, it was glossed over, and no finding was returned on the same. He contends that due to such infirmities, the order dated 25th June, 2025, cannot be sustained.

He further submits that the learned Single Judge, being satisfied that the petitioner was able to make out a good arguable case, passed the interim order. He contends that the

allotment is done district-wise at intervals of three months, and therefore, there cannot be any sufferance to the customers.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

Indisputably, following the implication of the writ petitioner/respondent in a criminal proceeding, the allotment of wheat in his favour was stopped, and fresh empanelment was denied. Challenging the order dated 25th June, 2025, a writ petition being WPA 15750 of 2025 was filed. In addition, a mandatory direction was sought against the State authorities to enter into an agreement with the writ petitioner's flour mill for the district of Nadia.

In the writ petition, the *interim* relief as prayed for, reads as follows:

(f) An interim order of injunction restraining the State authority from giving any effect or further effect to the impugned order dated June 25, 2025 of the respondent no.3, in any manner whatsoever;

(g) Stay be granted to impugned order dated June 25, 2025;

Therefore, the allotment of wheat in the said district, or the allotment of wheat in favour of other flour mills, was not the subject matter of the *lis* before the court below. The writ petitioner, alleging personal injury resulting from the denial of fresh empanelment or the non-grant of allotment of wheat in his favour, approached the Hon'ble Court. It thus appears that the learned Single Judge, while passing the interim order, has travelled beyond the pleadings of the writ petition and beyond the scope of the *lis*. Needless to state that an interim order is granted in aid of the final relief. Nowhere in the writ petition

was such a prayer made to restrain the respondents from making any allotment of wheat for the entire district of Nadia.

In view thereof, we are of the considered opinion that the order impugned in the present appeal is not sustainable in law. Accordingly, the impugned order, insofar as it relates to the grant of an interim order restraining the respondents from making any fresh allotment in the district of Nadia, is set aside.

The learned Single Judge is requested to dispose of the writ petition as early as possible, without granting any unnecessary adjournments to either of the parties,

It is imperative to clarify that this order has been passed only for the purpose of disposal of the present appeal, which arises from an interim order passed in the writ petition. Therefore, the learned Single Judge is directed to dispose of the writ petition on merits, without being influenced by any observations made in this order.

Accordingly, the appeal and its connected application are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)