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09.10.2026
Ct. No.17
J.Das

MAT 1776 of 2026
IA NO.CAN/1/2026
CAN/2/2026

Deb Kumar Dan
Vs.
State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
...For the appellant

Mr. Kalyan Bandopadhyay
Mr. Ramesh Dhara
Mr. Gourav Banerji
...For the intervener

Mr. Nikunj Berlia
Mr. Ram Chandra Agarwal
Mr. Aniruddha Singh
...For the State

1. This is an appeal directed against an order dated 1 October 2026 whereby the Learned Single Judge has simply adjourned the writ petition till 25 November 2026.

2. Briefly, the appellant/writ petitioner has filed a writ petition against the vacancy declared under the provisions of the Control Order 2013 for grant of Fair Price Shop where the petitioner alleges to be the existing shop owner. The petitioner being the MR Distributor complains of action which has been taken after the filing of the writ petition on 7 October 2026 and submits that his distribution of ration articles to the tag dealers has also been stopped on 7 October 2026 after the filing of the writ petition.

3. It is contended on behalf of the appellant that relying on a superseded Control Order, the State of West Bengal has declared a vacancy of MR Distributorship which has caused immense prejudice to the business of the appellant.

4. After hearing all the parties, including the State of West Bengal and the intervener, we are of the view that there are no grounds to interfere with the impugned order.

5. There has been no *prima facie* view which has been taken by the Learned Single Judge in the impugned order. The rights of the parties are at large and have been kept open. The actions which has been taken by the State authorities culminating in the issuance of the communication dated 7 October 2026 are *prima facie* lawful. The appellant has been unable to demonstrate any perversity, illegality or contravention of any law warranting interference, at this stage of the proceeding.

6. *Prima facie*, it appears that the State authorities have taken action in terms of the 2024 Control Order and there is no ground to interfere with the same at this stage. With the above directions, MAT 1776 of 2026 stands disposed of.

7. By consent of the parties, let Affidavit in Opposition to the writ petition be filed by one week from the ensuing Vacation Reply, if any, by 25 November 2026.

8. It is made clear that there has been no final adjudication on the merits of the case and all issues are left open for the Learned Single Judge to decide without being influenced by any observation made in this order.

In Re:CAN/2/2026

1. By consent of the parties, an application for intervention is taken up for hearing.
2. This is an application for intervention. After hearing all the parties, we are satisfied that the intervener has a right to be impleaded as a party respondent and would be seriously prejudiced by any order which may be passed in the writ petition.
3. Liberty is also granted to the added respondent to file affidavits as directed above.
4. With the above directions, CAN 2 of 2026 stands allowed.

[Ravi Krishan Kapur, J.]

[Atarup Banerjee, J.]