

17.02.2026
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MAT 2153 of 2025
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IA No.: CAN 1 of 2025
Sakina Begum
- Versus -
Sunil Dutta & Others
with
IA No.: CAN 2 of 2026 [Addition of Party]
In Re.: Somu Mondal
- **Applicant.**

Mr. Chittapriya Ghosh,
Mr. Kuntal Ray
Ms. Priyanka Saha
... for the Appellant.
Mr. Debabrata Saha Roy,
Mr. Subhankar Das,
... for the Respondent no.1/
Writ Petitioner.
Ms. S. Sinha,
Mr. N. Chatterjee,
Mr. Amritlal Chatterjee
... for the State/Respondents.
Mr. Mihir Kundu
... for added Respondent.
Mr. Abhra Mukherjee,
Mr. Ibrahim Shaikh,
Mr. Sauradeep Dutta,
Mr. Arpayan Mukherjee
Ms. Benazir Shaikh
... for the applicant
in CAN 2 of 2026.

The present appeal has been preferred challenging the order dated 27th November, 2025, passed in two applications, being IA Nos. CAN 2 of 2025 and CAN 3 of 2025, filed in connection with a writ petition, being WPA 17331 of 2025.

The application, being IA No. CAN 2 of 2025, was filed for seeking addition of a party and was allowed. The other application, being IA No. CAN 3 of 2025, was preferred by respondent no. 6 in the writ petition, namely Sakina Begum, the

appellant herein, seeking vacating of the interim order passed earlier in the writ petition.

Shortly put, the facts giving rise to this appeal, the father of the writ petitioner/respondent no. 1 was an MR Dealer, an owner of a Ration Shop (presently renamed as a Fair Price Shop). Upon his demise, a dispute arose among the legal heirs of the deceased regarding the entitlement to the dealership. The writ petitioner being one of the legal heirs applied for issue of license of Fair Price Shop (for short, FPS) dealership. However, his request for compassionate appointment was rejected by the concerned authority vide memo dated 24th July, 2025.

The petitioner challenged the decision refusing his request for the said dealership by filing a writ petition, being WPA 17331 of 2025. In the said writ petition, an interim order was passed restraining the respondent no. 5 from acting upon the two memos dated 13th December, 2022, issued for filling up the Fair Price Shop vacancies.

It may be noted that, by the two memos dated 13th December, 2022, the aforesaid dealership was segregated into three separate dealerships. In respect of one of such dealerships, the respondent/authority initiated a selection process, and upon its completion, Sakina Begum, the appellant herein was selected, and accordingly, the licence was also issued in her favour. However, due to the subsistence of the interim order, the appellant was unable to operate the Fair Price Shop and as such, she filed an application seeking vacation of the interim order passed in the WPA 17331 of 2025.

By the order impugned in this appeal, the learned Single Judge directed that the vacating application, being CAN 3 of 2025, would be taken up for hearing after the disposal of the appeal, being MAT 1543 of 2024, along with the writ petition. Further, the interim order passed earlier in the writ petition was extended until the disposal of the appeal.

The specific grievance of the appellant is that her prayer for vacating the interim order has not been decided and has been kept in abeyance without any finding being rendered. As a result, she has been seriously prejudiced.

Mr. Saha Roy, learned Senior Advocate appearing for the writ petitioner/respondent no. 1, submits that he has no objection if a direction is issued to the learned Single Judge to decide the writ petition finally on merits. He further submits that if the interim order is vacated before the issues raised in the writ petition are decided, the writ petition would become infructuous.

Mr. Mukherjee, learned Advocate, submits that he has filed an application for addition of a party, being IA No. CAN 2 of 2026, as he wishes to intervene in the present proceedings. He further informs the Court that a writ petition, being WPA 26432 of 2025, filed by him involving similar issues, is pending consideration. He submits that the learned Single Judge may be directed to dispose of his writ petition along with the writ petition being WPA 17331 of 2025.

In response, Mr. Ghosh, learned Advocate representing the appellant, submits that if the two writ petitions are finally

disposed of on merits by the learned Single Judge, his application for vacating the interim order, being IA No. CAN 3 of 2025, may, in that circumstance, be treated as an affidavit-in-opposition to the writ petition, being WPA 17331 of 2025.

Having noted the submissions made by the respective parties and considering the stand taken by them before us, we direct the learned Single Judge to dispose of the writ petition, being WPA 17331 of 2025, along with the writ petition, being WPA 26432 of 2025, on merits, as expeditiously as possible.

The vacating application filed by the appellant shall be treated as an affidavit-in-opposition to the writ petition, being WPA 17331 of 2025, and the writ petitioner in WPA 17331 of 2025 shall be at liberty to file an affidavit-in-reply to the vacating application, being IA No. CAN 3 of 2025.

In the event that the exchange of affidavits in respect of the two writ petitions is not completed, the parties shall exchange their affidavits in the two writ petitions within a period of four weeks from today, and such time specified towards exchange of affidavits by the parties is mandatory.

Liberty is granted to the parties to mention both writ petitions for enlistment before the learned Single Judge for final hearing immediately after the expiry of the period specified for the exchange of affidavits.

The interim order passed in the writ petition, being WPA 17331 of 2025, shall continue until the disposal of the same.

The order impugned is accordingly modified and, the appeal and its connected applications are, thus, disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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