

19
4.2.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 29018 of 2023

**Aparna Pramanick
-versus
The State of West Bengal & Ors.**

**Mr. Pradyut Saha.
Mr. Nirupam Dhali.
...For the petitioner.**

**Mr. Jayanta Samanta.
Mr. Manas Sadhu.
... For the State.**

1. The petitioner in the instant case is a dependent widowed daughter of one late Kanailal Das and late Smt. Chandana Das.
2. The petitioner in the case prays inter alia, for the following reliefs:
 - (a) Issue a Writ in the nature of Mandamus setting aside the Licence being No. 33743900496 dated 17.10.2023 being FPS No. WB0337977480 granted by the Sub-Divisional Controller (Food & Supply) Basirhat in favour of respondent no. 9 & 10, to run a fair price shop.
 - (b) Issue a writ in the nature of mandamus commanding the respondents and each one of them not to renew the licence being No. 33743900496 dated 17.10.2023 being FPS No. WB0337977480 which has been granted by the Sub-Divisional Controller (Food &

Supply) Basirhat in favour of respondent no. 9 & 10, to run a fair price shop.

- (c) Issue a writ in the nature of mandamus commanding the respondents and each one of them to take effective steps for protecting right to life & livelihood of the petitioners by considering her demand of justice dated 1.12.2023;
- (d) Issue a writ in the nature of mandamus commanding the respondents and each one of them not to allot any ration articles any further in favour of the fair price shop under reference of the respondent no. 9 & 10 till the disposal of this petition;
- (e) A writ in the nature of Certiorari directing the respondents and/or their men, agents or subordinates to transmit all relevant records pertaining to this case before the Hon'ble Court so that conscionable justice may be done after perusing the same;
- (f) An interim order do issue commanding the respondents and each one of them not to renew the licence No. 33743900496 dated 17.10.2023 being FPS No. WB0337977480 which has been granted by the Sub-Divisional Controller (Food & Supply) Basirhat in favour of respondent no. 9 & 10, to run a fair price shop till the disposal of this petition;
- (g) Rule NISI in terms of the prayer (a), (b) and (c), (d) as above.
- (h) Interim order do issue directing the respondent authorities not to allot any ration articles any further in favour of the fair price shop under reference of the respondent no. 9&10 till the disposal of this petition;
- (i) Cost;
- (j) Ad interim order in terms of the prayers (h) of this application, as above'
- (k) And to pass such other or further orders as

Your Lordships may deem fit and proper.”

3. Apropos the facts of the case, that the license initially stood in the name of petitioner's late father who expired on 24.10.2018. Subsequent thereto, the petitioner's mother was favoured with the license to run the Fair Price Shop on compassionate ground.
4. In the meantime, the mother of the petitioner also expired leaving behind three daughters and two sons. The petitioner is one of the daughters of the deceased mother who was running the Fair Price Shop on compassionate ground.
5. The petitioner made an application on 16.02.2022 for transferring the licence in her favour on compassionate ground but the same was not considered. Subsequently several application in the manner of reminders were given to the authorities but the same remains pending for consideration.
6. The respondent no. 5 vide Memo no. 512/SCF&S/BHT/23 dated 15.05.2023 issued a notice of personal hearing regarding the grant of FPS dealership licence to the legal heirs on compassionate ground.

7. The petitioner made an application for grant of adjournment on the ground of her illness before the respondent no. 5 on 19.05.2023 and 24.5.2023 respectively but the hearing was conducted and concluded without considering the adjournment application and granted the license in favour of the private respondents in absence of the petitioner.
8. Thereafter, on 1.12.2023 the petitioner made a representation before the respondent nos. 4 and 5 but the same remains pending for consideration.
9. The State respondents submits and draws the attention of this Court to the averment made in paragraph 3(5) which runs contrary to the prayers made in the writ petition.
10. After hearing the parties on the basis of the available records, I am of the considered view that the respondent no. 5 without considering the application made for an adjournment on the ground of illness of the petitioner, the respondent no. 5 without considering the same conducted and concluded a hearing fixed on the schedule date and transferred the licence accordingly in favour of the private respondents in absence of the petitioner which tantamounts to be in gross violation of natural

justice as the same is not permissible in law. The arbitrary act of the respondent no. 5 in granting license in favour of the private respondent without affording an opportunity of hearing to the petitioner, warrants an interference at this stage by this Court.

11. I direct the respondent no. 4 with the assistance of the respondent no. 5 to consider the representation dated 1.12.2023 along with the application for adjournment dated 19.5.2023 and 24.5.2023 respectively within a period of eight weeks from the date of communication of this order by passing a reasoned order in accordance with law upon affording opportunity of hearing to the petitioner by fixing a date of hearing and the private respondents and communicate such decision within a week thereafter.
12. It is made clear, that till the decision of the respondent no. 4 attains the finality, the private respondents shall continue to operate the Fair Price Shop Dealership business otherwise, the entire operation of the Public Distribution System will collapse and shall create public inconvenience at large.

13. It is further directed that the petitioner shall submit a fresh application for Fair Price Shop dealership license in a prescribed manner on the date to be fixed for hearing by the authority concerned.
14. The writ petition stands disposed of accordingly without taking any exception to the merits of the case.
15. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)