

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 23319 of 2023

**Uttam Das
Vs.
The State of West Bengal and Ors.**

**For petitioner : Mr. Jyoti Prakash Chatterjee
Mr. Kaustav Shome**

**For the State : Mr. Tanoy Chakraborty
Mr. Amrita Lal Chatterjee**

**For Respondent No.8:- Mr. Srijan Nayak
Ms. Rituparna Maitra**

Item No. 20

Heard & Judgement on : 10.10.2023

Bibek Chaudhuri, J.

The petitioner applied for dealership of a fair price shop in respect of a vacancy at Balurghat Sadar in the district of Dakshin Dinajpur. The private respondent is also an applicant.

It is learnt from the submission made by the learned advocate for the private respondent that the State Government has not taken any decision as yet as to whether the petitioner or the private respondent will get the licence for distributorship of fair price shop. It is contended by the learned advocate for the petitioner that he is apprehending that his application would be rejected on the ground that on the date of filing application he had no registered lease deed but on the date of enquiry the deed of lease was registered and was produced to the inspector. Secondly, the enquiry officer may submit a wrong report with regard to specification of his godown and shop room. Thirdly, on the date of filing application he had no financial solvency and requisite amount of Rs.50,000/- was not lying in the bank as required under the terms of the application.

It is also submitted by the learned advocate for the petitioner that the godown and shop room of the private respondent is in dilapidated condition. He is not medically fit. Fourthly, 50 per cent of the godown has been constructed on PWD land. The nature of the land where the godown and shop room has been constructed is recorded as 'pukur' and high tension electric line passes overhead the shop room and godown of the respondent.

Having heard the learned advocates for the parties this Court is of the view that the instant application is premature for the reason

that till date no final decision has been taken by the State Government. Apprehension cannot be the basis of a writ petition. All the matters shall be taken into consideration by the State respondents at the time of grant of licence of fair price shop.

Considering such circumstances, at present I do not find any merit in the instant writ petition. Therefore, the instant writ petition is **dismissed**. However, this order will not debar the writ petitioner to file an appropriate application at appropriate stage.

(Bibek Chaudhuri, J.)