

Form J(2)

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

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

**WPA 24051 of 2023**

***Subhajit Patra*  
Vs.  
The State of West Bengal and Ors.**

**For the petitioner : Mr. Debabrata Saha Roy  
Mr. Debabrata Chakraborti  
Sk. Samim Akhter**

**For the Private Respondent : Mr. Ram Anand Agarwal  
Ms. Nibedita Pal  
Mr. Ananda Gopal Mukherjee  
Ms. Sonam Roy**

**For the State : Mr. T. M. Siddique  
Mr. Amrit Lal Chatterjee**

**Item No. 17**

**Heard & Judgement on : 12.10.2023**

**Bibek Chaudhuri, J.**

In respect of a vacancy notification published in the Extraordinary Kolkata Gazette on 21<sup>st</sup> January, 2022 relating to appointment of a dealer of fair price shop at Bara Amjhor-184 within

Goalbari Gram Panchayet in the district of Bankura, both the petitioner and the private respondent filed applications successfully.

It is alleged by the petitioner that after filing of the application for dealership a mass complaint was submitted against the private respondent. The District Controller, Food & Supplies, Bankura formed an enquiry team for conducting enquiry in respect of the said complaint filed against the respondent. Date was fixed for holding enquiry on 4<sup>th</sup> May, 2023. Thereafter, the petitioner did not know anything about the fate of the said enquiry. On the contrary, he came to know that the private respondent has been granted dealership in respect of the fair price shop. It is the grievance of the petitioner that a person against whom a complaint was lodged and considering the seriousness of the complaint an enquiry team was formed should not be offered with the licence.

It is also contended on behalf of the petitioner that the petitioner was not informed about the status of his application. The petitioner also does not know about the fate of the complaint filed against the private respondent.

The learned advocate for the private respondent, on the other hand, submits that the petitioner does not have any locustandi to file the instant writ petition. In this regard he draws my attention to page 35 of the writ petition which is a sketch map of the proposed godown

and shop room of the petitioner. It is found from the said sketch map that the petitioner has two rooms each measuring about 168 square feet and an adjacent verandah measuring about 330 square feet. It is submitted by the learned advocate for the respondent that taking the measurement of two rooms together it comes to 336 square feet. Therefore, the petitioner did not comply with the minimum eligibility criteria of having a godown of 400 square feet. Moreover, proposed godown is also divided into two compartments which is not permissible under the 2013 Control Order. Therefore, at the threshold the petitioner's application was liable to be rejected and it was rejected.

Learned advocate for the private respondent next takes me to page 26 of the writ petition which is an order of the District Controller dated 22<sup>nd</sup> February, 2023 wherein the District Controller, Food & Supplies, Bankura formed an enquiry team in respect of a mass petition lodged by the villagers of Amjhor and complaint dated 16<sup>th</sup> December, 2022 of one Ananta Mahanty. The petitioner did not make any complaint against the present respondent. Therefore, he cannot claim the enquiry report which was conducted as per the order dated 22<sup>nd</sup> February, 2023.

It is submitted by the learned advocate for the respondent that the respondent previously had his ration card tagged with one fair

price shop. Subsequently, his ration card was tagged with another fair price shop and the previous ration card was deactivated. This is found from the documents annexed by the petitioner himself.

The learned advocate for the State Respondent also raised a preliminary objection relating to locus of the petitioner in filing of the instant writ petition.

Having heard the learned advocates for the parties, this Court is of the view that the petitioner must stand on his own claim. His claim cannot be on the basis of certain lacuna of other applicants. In the instant case, the petitioner's eligibility criteria was in question. He failed to comply with the eligibility criteria as regards the specification of godown and shop room. Practically, the petitioner failed to show the office-cum-shop room which he intended to use.

Regarding a complaint made by the villagers against the private respondent this Court likes to record that the dispute was between the persons who made the complaint and the person against whom the complaint was made. The adjudicating authority is the District Controller. He formed a team of enquiry and it was looked into. On this score, it is mentioned that if the Food & Supplies Department finds that in spite of such complaint the private respondent is entitled to get the dealership, the petitioner being an unsuccessful candidate cannot raise any question.

In view of such circumstances, I do not find any merit in the instant writ petition and accordingly, the instant writ petition is **dismissed** on contest.

However, there shall be no order as to costs.

**(Bibek Chaudhuri, J.)**