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24.01.2023
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Ct 39

WPA 1337 of 2023

Shiba Pada Ghosh & anr.

-vs-

The State of West Bengal & ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das

...for the petitioners

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

..for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Supplementary affidavit filed on behalf of the petitioners is also taken on record.

Despite service, no one appears on behalf of the State.

Let Mr. Arindam Chattopadhyay and Ms. Lipika Chatterjee, learned counsels represent the State in this case. Their engagement may be regularised in due course by the competent authority of the State.

Copies of the writ petition and the supplementary affidavit served upon the learned counsel for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are a fair price shop dealer at village and Post Office Harishpur, Kotowali Police Station, Paschim Medinipur. They have been running their shop since quite sometime and their license have been renewed upto date. In all, they are having 7735 number of ration cards tagged with them. It appears from a

memorandum dated 11.02.2022 of the Food and Supplies Department that according to the new policy of the State Government, if a fair price shop has cards in the range of 5000 to 6000, then there shall be a scope of declaring vacancy for such area. It was also decided that a new fair price shop shall start with a range of 3000 to 4500 ration cards. So far as the petitioners are concerned, 7735 number of cards having been tagged with the petitioners were within the range of ration cards which can be retained by an existing fair price shop. If a new fair price shop is started in the same area, then it could not have cards in the range of 3000 to 4500. Otherwise, the cards with the existing fair price shop would fall below 5000. Therefore, vacancy could not have been declared for the same area.

Learned counsel appearing on behalf of the State submits that his client would like to use an opposition. He undertakes that no adverse steps would be taken in this regard till 16.02.2022.

Let affidavit-in-opposition be filed within a week. Reply, if any, be filed within a week therefrom.

Let this matter come up for hearing in the list under the heading "For Orders" on 16.02.2022.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

