

15.03.2023

WPA 3347 of 2023

**Sandip Gupta
Vs.
The State of West Bengal & Ors.**

Mr. Pratyush Patwari

... .. for the petitioner

Mr. Sirsanya Bandopadhyay

Mr. Arka Kumar Nag

... .. for the State

Ms. Sutapa Sanyal

Mr. D. Bhattacharjee

Mr. P.K. Tulsyan

... .. for the respondent nos.2 & 3

Learned counsel appearing on behalf of the petitioner submits as follows. The respondents, especially the respondent no.3 stopped the petitioner's vehicle during transit to another place and imposed a levy. This despite a Government Notification dated 30th May, 2014 that Regulated Market committees should not put up check posts and barriers on National Highways, State Highways or other link roads and obstruct free movement of the agricultural commodities all over the State. In fact, there was no basis for the amount that was charged as levy.

Learned counsel representing the Regulated Market Committee submits that her clients are duty bound under Section 17(c) of the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972 to inspect the vehicle and carrying agricultural produce. In this particular case, the petitioner's vehicle was not carrying e-permit. When this point was raised, the petitioner

volunteered to pay up and handed over a copy of the e-permit to the petitioner.

Learned counsel appearing on behalf of the State submits that the petitioner has neither challenged any provision of the 1972 Act nor has any ground to sustain the petition.

Since the petitioner has contended that some of the respondents were setting up barriers in contravention with the notification of the State and levying sums at an arbitrary rate, the same needs to be adjudicated.

Let the affidavit-in-opposition be filed within four weeks from this date. Affidavit-in-reply, if any, be filed within a fortnight therefrom.

List this matter for hearing after six weeks.

The question of maintainability is kept open.

Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all legal formalities.

(Jay Sengupta, J.)