

23.6. 2025
item No.52
n.b.
ct. no. 24

WPA 9168 of 2025

Aloka Adhikari
Vs.
State of West Bengal & Ors.

Mr. Sabyasachi Chaudhury,
Mr. Syed.E. Huda,
Sk. Aptabuddin,
Ms. Nabeela Akbar
..... for the petitioner.
Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan,
.....for the State.

Mr. Sirsanya Bandopadhyay, learned counsel appearing on behalf of the State raised the point of maintainability.

It is the submission of the learned counsel appearing on behalf of the State that fixing minimum number of DRC population to be retained by an existing FPS dealer by issuing a notification/guideline of the Government is not ipso facto violates any fundamental right of licensee. Thus, the instant writ petition is not maintainable.

In support of his contention, Mr. Sirsanya Bandopadhyay has cited decisions of this High Court passed **Abdul Khalek Dhafadar Vs. State** also a decision of Hon'ble Apex Court passed in **APM Terminals Vs. Union of India** reported in **(2011) 6 SCC 756** and he also cited a decision of Hon'ble Rajasthan

High Court passed in **Hariom Meena and Anr. Vs. State of Rajasthan.**

Mr. Huda, learned counsel appearing on behalf of the petitioner intends to argue on reply of point of maintainability on the latter date.

Let the matter appear in the list on July 22, 2025 hearing of the point of maintainability.

State authority is at leave to file affidavit as directed above within a week reply, if any, by the petitioner within two weeks.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)