

21.02.2025
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**M. A. T. 1543 of 2024
(CAN 1 of 2024)
(Assigned)**

[Setara Begum -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 2193 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)**

[Sujata Saha -Vs- Kamalesh Ch. Fouzder & Ors.]

W I T H

**M. A. T. 2194 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)**

[Malay Kar -Vs- Madan Kumar Basak & Ors.]

W I T H

**M. A. T. 35 of 2025
(CAN 1 of 2025)
(CAN 2 of 2025)**

[Sahin Sarafi Halsana -Vs- Suranjan Mallick & Ors.]

W I T H

**M. A. T. 1546 of 2024
(CAN 1 of 2024)**

[M/s. Nagarmal Mahabir Prosad & Anr. -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1547 of 2024
(CAN 1 of 2024)**

[Nabadip Kr. Mandal -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1548 of 2024
(CAN 1 of 2024)**

[Ranjan Jathi -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1549 of 2024
(CAN 1 of 2024)**

[Surajit Saha -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1550 of 2024
(CAN 1 of 2024)**

[Jahar Bhowmick -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1595 of 2024
(CAN 1 of 2024)**

[Sadhan Kar -Vs- State of West Bengal & Ors.]

W I T H

**C.O.T. 125 of 2024
(CAN 1 of 2024)**

[Md. Basir Ali -vs- Setara Begum & Ors.]

W I T H

**M. A. T. 1618 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)**

[Arati Bera & Ors. -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1621 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)**

[Abdur Rahim & Ors. -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1658 of 2024
(CAN 1 of 2024)**

[Nabin Chandra Halder -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1659 of 2024
(CAN 1 of 2024)**

[Sujoy Kumar Roy -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1721 of 2024
(CAN 2 of 2024)**

[Sukhendu Bhandary & Ors. -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1596 of 2024
(CAN 1 of 2024)**

[Md. Rejaul Molla & Anr. -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1544 of 2024
(CAN 1 of 2024)**

[Sayan Polley -Vs- State of West Bengal & Ors.]

W I T H

**M. A. T. 1545 of 2024
(CAN 1 of 2024)**

[Tapan Sardar -Vs- State of West Bengal & Ors.]

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu
Mr. Sankha Biswas

... .. for the appellants

[in MAT 1543/24, MAT 1546/2024,
MAT 1547/2024, MAT 1548/2024, MAT 1549/2024
MAT 1550/2024, MAT 1658/2024, MAT 1659/2024
MAT 1544/2024 & MAT 1545/2024]

... .. for the respondents

[MAT 2193/2024, MAT 2194/2024.
MAT 35/2025 & COT 125/2024]

Mr. Shamit Sanyal
Ms. Priyakshi Banerjee
Mr. Sabyasachi Roy
Ms. Atreya Chakraborty

... .. for the appellants

[in MAT 1721/2024, MAT 1596/2024,
MAT 1618/2024 & MAT 1621/2024]

Mr. Kalyan Bandopadhyay, Id. Sr. Adv.
Mr. Ramesh Dhara

..... for the appellants [in MAT 2193/2024 &
MAT 2194/2024

... .. for added respondent

[in MAT 1543/2024]

Mr. Ramesh Dhara

..... for the appellant [in MAT35/2025]

Mr. Sirsanya Bandyopadhyay .. Jr. Standing Counsel
Mr. Ritesh Kumar Ganguly

... .. for the State

[in MAT 1543/24, MAT 1721/2024,
MAT 1546/2024, MAT 1549/2024

MAT 1596/2024, MAT 1618/2024, MAT 1621/2024
& MAT 1595/2024]

Mr. Suman Sengupta
Ms. Amrita Panja Moulick

... .. for the State
[in MAT 1547/2024,
MAT 1548/2024
MAT 1550/2024 & MAT 1545/2024]

Mr. Suman Sengupta
Mr. Dwaipayan Basu Mallick

... .. for the State
[in MAT MAT 1544/2024 & MAT 1545/2024

Mr. Susabhan Sengupta
Mr. Manas Kumar Sadhu

... .. for the State
[in MAT 1658/2024 & MAT 1659/2024]

Mr. Supratim Dhar
Mr. Amritlal Chatterjee

..... for the State [MAT 2193/2024]

Mr. Supratim Dhar
Ms. Rajyashree Mukheree

..... for the State [MAT 2194/2024]

Mr. Sonal Sinha
Ms. Ashmita Ghosh

..... for the State [MAT 35/2025]

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu

..... for the State [MAT 1658/2024
& MAT 1659/2024]

**In Re : M. A. T. 1543 of 2024
(CAN 1 of 2024)**

1. Heard the learned advocates for the parties.
2. Mr. Bandopadhyay, learned senior Counsel for the private respondents submits that the interim order be clarified to apply to the appellants only and not the dealers.
3. We have considered the rival submissions and perused the order passed by us. Though the interim order refers to “dealers’ the said expression means the appellants and not all dealers. Subject to this

clarification the interim order granted earlier is extended till 31st March, 2025 or until further orders whichever is earlier.

4. It is strenuously argued on behalf of the State and private respondents that the matter is of great importance as the order of status quo is standing in the way of linking ration card holders with the new dealers.
5. In view of the submission we direct the appeal and other connected appeals be fixed for hearing on 7th March, 2025.

**In Re : M. A. T. 2193 of 2024
&
M.A.T. 2194 of 2024**

6. Mr. Bandopadhyay, learned senior Counsel seeks leave to appeal. He contends learned Single Judge misconstrued the order passed in Setara Begum vs. State of West Bengal & Ors.¹ and held that the order of status quo in respect of delinking is not restricted to the appellants but extends to all dealers in the State of West Bengal. Incorrectly interpreting the order as aforesaid, the Hon'ble Judge extended relief to the non-appealing dealers.
7. In rebuttal learned Counsel for the respondents/writ petitioners submits the order of injunction has been passed on the premise similar issues are pending for consideration before the Division Bench in Setara Begum (supra).

¹ WPA 22281 of 2022

8. We have given anxious consideration to the contention of Mr. Bandopadhyay. He is correct that the order of status quo passed in Setara Begum(supra) is not an order in rem and does not apply to other dealers. It applies to the appellants before this Court. However, the impugned injunction is not only on the ground that the *status quo* in Setara Begum is applicable to all dealers. Hon'ble Single Judge rightly observed that it might create multiplicity of proceeding if an order of *status quo* is not passed restraining delinking from existing dealers akin to the interim order passed by us in Setara Begum, as similar issues are falling for decision in Setara Begum as well as the writ petition before the Hon'ble Single Judge.
9. When similar questions of law and fact are pending consideration in the appeal discretion exercised by the Hon'ble Single Judge to pass an order of *status quo* and thereby restrain delinking from the existing dealers if not already done cannot be said to be so arbitrary or unreasonable that it would require interference. Moreover, in light of the State's submission that the matter is of importance we have fixed the hearing of Setara Begum and other connected appeals on 7th March, 2025.
10. Accordingly, we do not choose to interfere with the impugned order.

11. Appeals being MAT 2193 of 2024 and MAT 2194 of 2024 along with all connected applications are disposed of.

12. All issues canvassed herein are kept open and shall abide by the decision in Setara Begum (supra).

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)