

WPA 29915 of 2024

**Suranjan Mallick
Vs.
State of West Bengal & Ors.**

Mr. Debabrata Saha Roy, Ld. Sr. Adv.,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das.
... for the petitioner

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty.
Mr. Subrata Guha Biswas.
... for the State

Declaration of vacancy of fair price shop at village
Betberia in Nadia District under the Control Order of
2013, is under challenge in this case.

Similar matters have travelled to the Hon'ble Single
Bench of this Court, when the Hon'ble Single Bench has
held declaration of vacancy, not be in conformity with the
law.

The matter further travelled to the Hon'ble Division
Bench and thus the appeals involving similar issue as it
is in the present case, are now pending.

The Division Bench has passed an interim order
that there should not be any delinking of ration cards
from the respective dealers/distributors.

Mr. Saha Roy, Ld. Sr. Advocate insists that in the
similar factual background in the present case, a similar
protection order be granted in favour of the writ
petitioner.

Ms. Sinha appears for the State respondent and
raises strong objection as to the contentions and prayer of

the writ petitioner. She would submit a bunch of documents in support of her contentions. She would emphasise that in contradiction to what has been stated on behalf of the petitioner, the petitioner's case is dissimilar to that of the other writ petitioners, which are now pending in appeal. It is submitted on the basis of the documents as above that, the petitioner by filing the present case has endeavoured to protect the temporary tagging of FPS licence of one Madhusudan Dey, with his dealership. She would say that thus the factual matrix of the present case is different from those, that are now pending in appeal before the Hon'ble Appeal Bench. Hence, she raises objection as to the prayer of the petitioner's seeking interim order as above.

Considering the respective submissions of the Ld. Counsels, the Court is of the opinion that the matter should be disposed of on affidavits. Therefore, let the affidavit-in-opposition be filed by the respondent State within two weeks from the date of reopening of the Court after winter vacation. Affidavit-in-reply thereto, be filed within one week thereafter.

As on the present date, the FPS license of Madhusudan Dey is tagged with the present petitioner, though temporarily. Let *status quo* be maintained as regards the same. Let the order of *status quo* as above be effective till 31st March, 2025.

The office is to place this record before the Hon'ble Regular Bench as per its convenience.

(Rai Chattopadhyay, J.)