

(2012) 10 CAL CK 0034
In the Calcutta High Court
Case No : Writ Petition No. 11485 (W) of 2012

Smt. Peli Kumar and Another	Vs	APPELLANT
The State of West Bengal and Others		RESPONDENT

Date of Decision : 17-10-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 10 CAL CK 0034

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Sayed Nazmul Hossain, for the Appellant; Monika Kalra for the State, for the Respondent

Judgement

Hon''ble Mr. Justice Jayanta Kumar Biswas

1. Concerning the petitioners' request for transfer of ownership of the Fair Price Shop in question the Sub-divisional Controller, Food & Supplies, Purulia heard the parties as back as August 26, 2010. Since the Sub-divisional Controller did not give any decision, the petitioners brought this WP under art. 226 dated May 16, 2012. Order dated August 17, 2012 passed in the WP is quoted below:-

To enable counsel for the State to ascertain whether the petitioner's request for transfer of the dealership has been considered, hearing is adjourned. To daily list as motion Monday week.

Leave is granted to amend the presentation form for giving the correct title of the Act. Certified xerox.

2. Order dated August 27, 2012 passed in the WP in absence of counsel for the State is quoted below:-

Adjourned as prayed for. Let it go out of list. Certified xerox.

3. Order dated October 11, 2012 passed in the WP is quoted below:-

Advocate for the State submits that the Sub-divisional Controller (F&S), Purulia has not given any instruction inspite of repeated requests.

In view of the submission, the Sub-divisional Controller is directed to appear in person next Wednesday. To daily list as motion next Wednesday. Certified xerox.

4. The Sub-divisional Controller is present in Court and he is unable to give any satisfactory explanation why he did not give necessary instructions to advocate for the State. This is not the first case in which the Sub-divisional Controller did not give instructions to advocate for the State. This Court was compelled to direct his personal appearance previously as well.

5. Advocate for the State submits under instructions that since requisite no objection was not submitted, the Sub-divisional Controller did not give any decision in the matter concerning which he heard the parties on August 26, 2010. There is nothing to show that the petitioners were asked to submit any no objection.

6. The facts and circumstances reveal a sorry state of affairs. It seems to me that the State Government should make necessary inquiry for ascertaining why the Sub-divisional Controller has been acting in the manner stated hereinbefore. As to the petitioners' request, I think it will be appropriate to direct the Sub-divisional Controller to decide the matter immediately. For these reasons, I dispose of the WP ordering as follows. The Sub-divisional Controller shall give his decision after hearing all concerned within four weeks. Advocate for the State shall send a copy of this order to the Secretary, Food & Supplies Department, Government of West Bengal. No costs. Certified xerox.