OD-20

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/132/2026
UJJAL PAUL
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE SMITA DAS DE
Date: 25th September, 2026.

Appearance:
Mr. Ramesh Dhara, Adv.
Mr. Gourav Banerji, Adv.
. . .for the petitioner

Mr. Suryaneel Das (AGP)
Ms. Sristi Barman Roy, Adv.
Mr. Arghya Chatterjee, Adv.
Mr. N.G. Khaitan, AOR
...For the State

The Court:- Pursuant to the order dated 11th September, 2026, a supplementary affidavit has been filed on behalf of the petitioner. The same is taken on record.

The issue involved herein relates to the petitioner's candidature, for issuance of Fair Price Shop dealership. The same is to be examined on the strength of the lease agreement produced before the authority concerned. Although, the petitioner could not produce the conversion certificate from "residential to commercial user", he made a representation on 15th October, 2025 before the respondent no.3 inter alia, contending that the lands of similar nature have been considered for grant of FPS licence in favour of other similarly circumstanced person.

Learned Counsel appearing for the State/respondents vehemently opposes the said contentions and submits that save and except for certain photographs annexed to the supplementary affidavit, no particulars in respect of similarly situated lands have been disclosed. At this juncture, learned counsel appearing for the petitioner draws attention of this court to paragraph no.8 of the supplementary affidavit containing the Dag numbers of a similarly situated person in whose favour permission was granted to construct a godown.

It is further submitted by the said authorities that conversion of residential land to commercial land without prior approval is not permissible in law.

Having heard the parties and upon considering the materials on records, this Court finds that a prima facie case has been made out by the petitioner warranting interference by this Court at this stage.

This Court has taken judicial notice of all the relevant documents including the documents annexed to the supplementary affidavit.

For the purpose of balancing equities and for securing the ends of justice, the petitioner is directed to file a comprehensive and detailed representation before the respondent no.3 within two weeks from date of communication of this order, furnishing full particulars of the lands of similarly situated persons as indicated in paragraph 8 of the supplementary affidavit, to enable the said respondent to arrive at a logical and conclusive finding of the issue involved herein.

The respondent no.3 shall consider and dispose of the said representation within a period of three weeks from the date of receipt thereof, by passing a reasoned and a speaking order in accordance with law upon affording an opportunity of personal hearing to the petitioner and other stakeholders, if any, and such decision shall be communicated to the petitioner within a week thereafter.

However, it is made clear that the respondent no.3 shall not be influenced by the observations made hereinabove and shall take an independent decision in accordance with law. If so required, a report may be called for from the Estate Manager, Kalyani for effective consideration and adjudication with regard to the issue involved herein.

With the above observations and directions, the writ petition is disposed of without going into the merits of this case.

(SMITA DAS DE, J.)

JM