

Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 165 of 2023

Date of Decision: 15.06.2023

Smti. Nazma Bibi

Vs.

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Dey, Adv.

For the Respondent(s) : Mr. H. Abraham, GA
Ms. S. Bhattacharjee, GA.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. The petitioner who is a Fair Price Shop Dealer at Pushkarnipara centre under Demdema C&RD Block, West Garo Hills, Meghalaya, is before this Court on the allegation that since the month of

April 2023, the petitioner has not received supply of food grains (rice) for distribution to the beneficiaries/villagers, on the same not being sanctioned by the State respondents for reasons unknown. It is the further case of the writ petitioner that, on enquiry she had come to learn that there were some complaints filed against her by the villagers/beneficiaries, but that she has no knowledge about the said complaints nor has she been issued with notice for any enquiry by the State respondents. It is therefore prayed by the writ petitioner that, the respondents be directed to sanction the supply of food grains and further allow the petitioner to discharge her duties of Fair Price Shop Dealer, as per her appointment dated 22nd March, 2023.

2. I have heard learned counsels for the parties.
3. Mr. S. Dey, learned counsel for the petitioner submits that no enquiry or proceeding had been initiated against the petitioner to warrant such arbitrary action, which has resulted in the deprivation of the supply of Public Distribution Scheme rice to the villagers who are the beneficiaries. He submits that the respondents are therefore liable to be directed to forthwith resume the supply of the food grains, and the petitioner allowed to function normally in terms of the appointment as a Fair Price Shop Dealer.

4. Mr. H. Abraham, learned GA on behalf of the State respondents on instructions received, has produced a status report, wherein complaints dated 30.01.2023, signed by a number of villagers, and an enquiry report dated 25.05.2023, wherein findings have been arrived at, have been enclosed. The enquiry report reflects that the writ petitioner was present, when the said enquiry was conducted. It is also noted that, the recorded statements of a number of the beneficiaries along with signatures and photographs have also been enclosed. The learned GA has also produced a show cause notice dated 09.06.2023, addressed to the writ petitioner, wherein a reply has been directed to be filed within 7(seven) days of issuance of the said notice. He therefore submits that, as the matter is under consideration by the competent authority, as to the functioning of the writ petitioner in the discharge of duties as a Fair Price Shop Dealer, no interference is called for at this stage.

5. Mr. S. Dey, learned counsel for the petitioner in reply to the submissions of the learned GA, has vehemently argued that, the writ petitioner is not aware about the show cause notice dated 09.06.2023, and submits that, in the enquiry which was conducted only the records were produced and the petitioner not heard. He further submits that, the issuance of show cause notice is an afterthought, inasmuch as, the

respondents had already on the basis of the complaint, conducted the enquiry in a most arbitrary manner and in total violation of the Principles of Natural Justice.

6. Having heard the learned counsels for the parties, this Court notes with concern that, the issue touches the basic rights of the common citizens under the Public Distribution Scheme to food security. The smooth supply and availability of the food grains to the public is therefore of prime importance. In the instant case, what appears to have caused the disruption is due to alleged anomalies or illegalities, which have been indulged in by the writ petitioner, in the course of discharging her duties as an authorised Fair Price Shop Dealer. However, when this matter has been brought before this Court, and materials produced by the State respondents to show that action has been initiated on complaints received, and the existence of a show cause notice addressed to the petitioner, this Court deems it fit to dispose of the instant writ petition by directing as follows:

- (i) The writ petitioner who is now aware of the show cause notice dated 09.06.2023, shall reply to the same within 7(seven) days from the date of this order.

- (ii) In the proceedings before the concerned respondents, the writ petitioner as also the beneficiaries shall be given adequate opportunity to be heard.
- (iii) Till such time, final orders are passed, the Sub-Divisional Officer (Supply) Dadenggre, Civil Sub-division, West Garo Hills, Meghalaya, shall make necessary arrangements to ensure that the beneficiaries and villagers are not deprived of food grains (rice) as entitled under the Public Distribution Scheme.
- (iv) The respondents are directed to ensure expeditious disposal of the proceedings that has been initiated against the writ petitioner, preferably within a period of 6(six) weeks from the date of this order.

7. Accordingly, as per the directions given hereinabove, the instant writ petition stands disposed of. Needless to add, the writ petitioner is to fully cooperate with the respondent authorities and not cause any delay in the conduct of the proceedings.

8. No order as to costs.

Judge

Meghalaya
15.06.2023
"D.Thabab-PS"