

GAHC010015852014



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5075/2014

JAYNAL ABEDIN SK. and 75 ORS
S/O MURATJAM SK.

VERSUS

THE STATE OF ASSAM AND 10 ORS
THROUGH- THE SECRETARY, TO THE GOVT. OF ASSAM, PANCHAYAT AND
RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI-6.

Advocate for the Petitioner : MS.E SHITIRI

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 12-05-2023

Heard Ms. A. Bora, learned counsel for the petitioners; Mr. B. Dutta, learned Standing Counsel, Panchayat and Rural Development Department for the respondent no. 1; Mr. R. Talukdar, learned Junior Government Advocate, Assam for the respondent nos. 2 & 11; and Mr. S. Bora, learned Standing Counsel, BTC for the respondent nos. 3, 4, 5, 6 & 7.

2. The petitioners, 76 [seventy six] in nos., have claimed that they are residents of No. 2 Goroimari, Police Station – Bijni, District – Chirang. They have claimed that they are households which fall in the category of priority households and under the Antyodaya Anna Yojna and as such, they are deemed to be 'eligible households', as prescribed under Section 2[3] of the National Food Security Act, 2013 [NFSA-2013]. As they are BPL/APL/MMSY/AAY card holders for more than 20 years and are drawing SK Oil and APL rice on that basis their names should have been enlisted in the select list of eligible households under NFSA-2013 from the said village under Alukhunda Village Council Development Council [VCDC]. But in the list of beneficiaries, the respondent authorities had left out the names of the petitioners by including a number of ineligible households for disbursal of the benefits under NFSA-2013.

3. It is stated that highlighting their grievances and the alleged anomalies and illegalities committed in the preparation of select list of households of NFSA-2013 in respect of no. 2 Goroimari, they made a compliant in writing before the Deputy Commissioner, Chirang [the respondent no. 11] and the Sub-Divisional Officer [Civil], Bijni and the Block Development Officer-cum-Chairman, Selection Committee NFSA-13, Manikpur Development Block [the respondent no. 7] on 11.08.2014 and prayed for an enquiry into the matter. It is averred to the effect that on receipt of the said complaint, the respondent no. 7 with his endorsement on it, directed the appearance of the persons instrumental in preparation of the households list of NFSA-2013. When the enquiry so initiated, was not brought to its logical conclusion, the petitioners have instituted the instant writ petition seeking setting aside of the select list prepared for eligible

households for NFSA-2013 in respect of no. 2 Goroimari village and to prepare a fresh select list consisting of only eligible households in respect of no. 2 Goroimari village for extension of the benefits under the NFSA-2013.

4. The respondents were put on notice as far back as on 26.09.2014. But none of the respondents has filed any response till date during the period of last 9 [nine] years.

5. The learned counsel for the petitioners is also not aware of the present position of the enquiry so initiated by the respondent no. 7 on 16.08.2014 on the basis of the complaint filed by the petitioners in writing on 11.08.2014.

6. In view of the above fact situation obtaining in the case with no response from any of the official respondents till date, this Court is of the view that instead of keeping this writ petition pending for any further period, the interests of the petitioner will be better served if the same is disposed of with a direction to the respondent authorities, more particularly, the respondent no. 7 and the respondent no. 11 to consider the grievances of the petitioner as regards their non-inclusion in the list of eligible households for extension of the benefit under the scheme, NFSA-2013 if the grievances of the petitioners have not been redressed till date and if after such enquiry, the petitioners are found entitled for such benefits then necessary steps should be taken accordingly, as per the provisions of the said scheme. It is accordingly ordered. The enquiry should be completed within a period of 4 [four] months from the date of receipt of a certified copy of this order at the office of the respondent no. 11 from the end of the petitioners.

7. This order disposes of the writ petition.

JUDGE

Comparing Assistant