

GAHC010060412023



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

Case No. : WP(C)/1918/2023

DIL BHANU

D/O- LT. DHANA DEWAN @ INTAZ ALI,
RESIDENT OF VILLAGE- KAYAKUCHI PATHAR,
P.O.- NALIGAON, P.S. AND DIST.- BARPETA, ASSAM,
PIN- 781352.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE INSPECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
BARPETA.

3:THE SECRETARY

DESHBHAKTA SAMABAY SAMITTEE LIMITED
BHAKTARDHOBHA
P.O.- NALIGAON
DIST.- BARPETA
ASSAM
PIN- 781352.

4:ADAM ALI

(FAIR PRICE SHOP LICENSE HOLDER)
S/O. LATE MUKSHED ALI
RESIDENT OF VILLAGE- KAYAKUCHI PATHAR
P.O.- NALIGAON
DIST.- BARPETA
ASSAM
PIN- 781352

Advocate for the Petitioner : MR. D F A AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

04.04.2023

1. Heard Mr. R. Das, learned counsel for the petitioner, who submits that the petitioner is an Antodhaya Anna Yojana (AAY) Card Holder, which was issued in the year 2014 under No.44 Paschim Paka Gaon Panchayat of Deshbhakta Samabay Samitee Limited. The AAY Card bears No.0579386, registered Sl. No.129 Ward No.5, House No.120 of Barpeta District.
2. The petitioner's counsel submits that the petitioner being an AAY Card Holder, she is entitled to receive 35 kgs of food grains every month, in terms of the proviso to Section 3 of the National Food Security Act, 2013. While the petitioner, a 53 year old widow was receiving 35 kgs of food grains per month till October, 2019, the same has been reduced to 10 kgs per month, without any reasons being provided to the petitioner. Though the petitioner had submitted a representation dated 19.11.2021 to the Secretary, Deshbhakta Samabay Samitee Limited and representation dated 20.05.2022 to the Inspector, Food, Civil Supplies & Consumer Affairs Department, Barpeta, to allow her to draw 35 kgs of food grains per month and compensate her for the short supply of food grains for the last 2 (two) years, no action has been taken by the respondent nos.2 & 3 till date.
3. The petitioner's counsel thus submits that a direction should be issued to the respondent nos.2 & 3 to take a decision on the petitioner's representations within a specified time period.
4. Mr. M. Chetia, learned counsel for the respondent nos.1 & 2 submits that

he has got no objection to the prayer made by the petitioner's counsel.

5. In view of the fact that the petitioner's grievance is with regard to the short supply of food grains being given to her since November, 2019, and due to the fact that her representations have not been considered by the respondent nos.2 & 3, this Court is of the view that the respondent nos.2 & 3 should take a decision on the petitioner's representations by way of a Speaking Order and ensure that the petitioner is given food grains as per her due entitlement. Accordingly, the respondent no.2 is directed to take a decision on the petitioner's representation dated 20.05.2022 (Annexure-c) within a period of 1 (one) month from the date of receipt of a copy of this order accompanied by a copy of the writ petition. Similarly, the respondent no.3 is directed to take a decision on the petitioner's representation dated 19.11.2021 (Annexure-B) by way of a Speaking Order within a period of one month from today. The respondent nos.2 & 3 shall thereafter communicate the decisions taken by them to the petitioner.

6. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant