

GAHC010109582023



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

Case No. : WP(C)/2963/2023

GOLAPI GAYARI
W/O- LILADHAR GAYARI, R/O- VILLAGE- BALIGAON, P.O. BHALUKPUNG
(CHARIDUAR), DIST.- SONITPUR, ASSAM, PIN- 784103

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, FOOD AND
CIVIL SUPPLIES DEPTT., DISPUR, GHY-6

2:THE DIRECTOR
FOOD AND CIVIL SUPPLIES
ASSAM
BHANGAGARH
GHY-5

3:THE DEPUTY DIRECTOR
FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784001

4:THE DEPUTY COMMISSIONER
DIST.- SONITPUR
TEZPUR
PIN- 784001

5:THE ADDITIONAL DEPUTY COMMISSIONER
DIST.- SONITPUR
TEZPUR
PIN- 78400

Advocate for the Petitioner : MR. I H LASKAR
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

11.12.2023

Shri PK Deka, learned counsel for the petitioner. Also heard Shri M. Chetia, learned State Counsel.

2. Considering the subject matter and the stand of the Department which is revealed from the affidavit-in-opposition filed on 13.10.2023, this writ petition is taken up for disposal at the admission stage.

3. The petitioner is a Fair Price Shop dealer having a valid license. The grievance of the petitioner was with regard to non-getting the monthly allotment of NFSA/2013 Rice for a period of one year for which she had approached the authorities by submitting representation. The petitioner not having able to get any positive response, thereafter approached this Court.

4. The learned counsel for the petitioner has submitted that the petitioner fulfills all the requirement including the minimum number of consumers which should be more than 50. Shri Deka, learned counsel for the petitioner has also referred to the averments made in paragraph 7 of the affidavit-in-opposition dated 13.10.2023 filed by the respondent no. 4. He accordingly submits that in terms of the stand of the Department, the writ petition can be disposed of.

5. Shri Chetia, learned State Counsel fairly submits that the writ petition can be disposed of with a direction to consider the above aspect of the matter and therefore to take necessary action in accordance with law.

6. The averments made in paragraph 7 of the affidavit-in-opposition dated 13.10.2023 is reproduced hereinbelow-

“That with regard to the statements made in paragraph 6 of the writ petition the deponent begs to state that a prayer petitioner for transfer of retain cards from other Fair Price Shops to her Fair Price Shop has been received from Golapi Goyari on 26th September, 2023. Along with the prayer petitioner she has submitted a list of 205 nos. of beneficiaries to be migrated to her Fair Price Shop. Since all beneficiaries have been receiving their quota of NFSA rice from their respective allotted Fair Price Shop, her Fair Price Shop shall be activated if a minimum of 51 nos. of NFSA beneficiary families agree for the above migration in compliance with the Commissioner, Food, Public Distribution, Consumers Affairs & Legal Metrology, Assam, Guwahati-7, vide letter No. DS.131/2021/60, dated 10.08.2023.”

7. The categorical stand of the petitioner is that the number of consumers attached to her shop is 203 which is much above the minimum requirement.

8. In view of the above, the instant writ petition is disposed of by directing the respondent authorities to make allotment of the NFSA/2013 Rice by verifying the requirement as projected by the petitioner regarding the number of consumers. Since supply was on hold for a period of more than a year, the aforesaid exercised be undertaken and completed within a period of one month from the date of receipt of a certified copy of this order.

9. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant