

GAHC010160992023



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

**Case No. : WP(C)/4262/2023**

JAYFUL NESSA AND 3 ORS.  
W/O- ABDUL BATEN AHMED

VERSUS

THE STATE OF ASSAM AND 7 ORS.  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,  
DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS,  
DISPUR, GUWAHATI-06

2:THE DIRECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS  
ASSAM  
BHANGAGARH  
GUWAHATI-05  
KAMRUP (M)  
ASSAM

3:THE DEPUTY COMMISSIONER

DIST- BARPETA  
ASSAM

4:THE SUPDDT. OF FCS AND CA  
BI (EO)  
ASSAM  
ASSAM  
SRIMANTAPUR  
GUWAHATI-32

5:THE DEPUTY DIRECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS  
BARPETA  
ASSAM

6:THE SUPPLY INSPECTOR  
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS  
BARPETA  
ASSAM

7:THE AREA OFFICER  
FOOD  
CIVIL SUPPLIES AND CONSUMER AFFAIRS  
BARPETA  
ASSAM

8:THE SECRETARY  
M/S- BAGHMARA CHAR GPSS LIMITED

VILL- BAGHMARA  
P.O- BAGHMARA  
P.S- ALOPATI CHAR

DIST- BARPETA  
ASSA

**Advocate for the Petitioner : MR. A M KHAN**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 04-08-2023**

Heard Mr. A.M. Khan, learned counsel for the petitioners and Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for the respondent nos. 1 – 7.

2. The petitioners, 4 [four] in nos., are licensees of Fair Price Shops [FPSs]

under the Assam Public Distribution of Articles [APDA] Order, 1982. The primary grievance of the petitioners is that their licences were suspended by the respondent no. 3 with immediate effect, pending drawal of proceedings, by an Order dated 10.11.2022 on the strength of an enquiry report. The petitioners' contention is that the enquiry caused by the Superintendent of Food, Civil Supplies and Consumer Affairs, BIEO, Assam was an ex-parte enquiry. Subsequently on 06.02.2023, the petitioners were served with a show cause notice asking them to show cause as to why action for cancellation of their licences should not be taken for violation of various clauses of the APDA Order, 1982 and terms and conditions of the licences, indicated therein. On receipt of the show cause notice, all the petitioners had submitted a joint reply on 07.02.2023. Despite elapse of more than 6 [six] months from submission of the joint reply, the respondent authorities have not brought the enquiry proceedings, drawn up against the petitioners, to logical conclusion. It is, thus, contended that prolonged suspension has caused prejudice to the petitioners as the Fair Price Shops run by the petitioners are essential for their livelihood.

3. Mr. Gogoi, learned Additional Senior Government Advocate, Assam has submitted that since proceedings have already been initiated by the show cause notice dated 06.02.2023 and are pending since then, the writ petition can be disposed of with a direction to the Licensing Authority i.e. the respondent no. 3 to bring the proceedings, initiated against the petitioners, to its logical conclusion by passing a speaking order within a reasonable time period.

4. Mr. Khan, learned counsel for the petitioner has agreed to the submission of Mr. Gogoi, learned Additional Senior Government Advocate.

5. In view of the broad consensus arrived at by the learned counsel for the

parties in the afore-stated manner, this Court is of the considered view that instead of keeping the writ petition pending, the same can be disposed of with a direction to the Licensing Authority i.e. the respondent no. 3 to bring the proceedings initiated against the petitioners with the show cause notice dated 06.02.2023 to logical conclusion as per the procedure prescribed in the APDA Order, 1982 as expeditiously as possible.

6. Mr. Gogoi, learned Additional Senior Government Advocate has submitted that an outer limit of 2 [two] months would be a reasonable period for the Licensing Authority to complete the proceedings, if the same have not yet been brought to its end. It is, therefore, directed to the Licensing Authority to bring the enquiry proceedings initiated against the petitioners by the show cause notice dated 06.02.2023 to conclusion by passing a speaking order within a period of 2 [two] months from the date of receipt of a copy of this order from the petitioners at his office.

7. This order disposes of the writ petition.

**JUDGE**

**Comparing Assistant**