

GAHC010010692017



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

Case No. : WP(C)/322/2017

SAMSUL HOQUE
S/O. LT. KORAN SK., VILL. SAND BLOCK MASIPARA PART-II, P.O. JARUAR
CHAR, DIST. DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
TO BE REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF
ASSAM, FOOD and CIVIL SUPPLIES DEPTT., ASSAM, DISPUR, GHY.-6.

2:THE DIRECTOR
FOOD AND CIVIL SUPPLIES
ASSAM ULUBARI GUWAHATI-7.

3:THE DEPUTY DIRECTOR
FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
DIST. DHUBRI ASSAM.

4:THE DEPUTY COMMISSIONER
DHUBRI DIST.DHUBRI ASSAM.

5:THE SUPERINTENDENT
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
BILASHIPARA DIST. DHUBRI ASSAM.

6:THE SUB-DIVISION OFFICER CIVIL
BILASHIPARA
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS BRANCH
DIST. DHUBRI ASSAM.

7:THE INSPECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
BILASHIPARA
DIST. DHUBRI ASSAM

Advocate for the Petitioner : MR.M A I HUSSAIN, MRA R BHUYAN

Advocate for the Respondent : SC, FCSCA, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER**

Date : 24.09.2024

Heard Mr. N. Z. Choudhury, learned counsel appearing on behalf of Mr. A. R. Bhuyan, learned counsel for the petitioner and Ms. U. Das, learned counsel for the respondents.

2. The petitioner's case is that the PDS (Public Distribution System) licence of the petitioner was suspended by an order dated 21.10.2016 by the Sub-Divisional Officer (Civil), Bilasipara. On the same very date, a show cause notice was issued requiring the petitioner to submit show cause on or before 26.10.2016 as to why his licence should not be cancelled for irregularities committed and further, the petitioner was directed to attend a personal hearing on 26.10.2016. The order dated 21.10.2016 shows that some reports were received from the Inspector, Food, Civil Supplies & Consumers Affairs, Bilasipara in the light of public complaints.

3. The petitioner submitted a letter dated 26.10.2016 requesting furnishing of the enquiry report and the public complaints contending that without the same, it was difficult for him to file an appropriate response. It appears that on 26.10.2016 itself, the order of cancellation of the PDS licence was passed.

4. The order of cancellation was allegedly not communicated to the petitioner and he could learn about the said order only on 10.01.2017.

5. Mr. N. Z. Choudhury, learned counsel for the petitioner submits that he has received instructions from the family of the petitioner that the petitioner had expired some time back. He prays for time to obtain further instructions in the matter.

6. Ms. U. Das, learned counsel for the respondents submits that as the petitioner has expired, the writ petition has become infructuous.

7. I have heard the learned counsels for the parties.

8. As can be seen from the pleadings and the order dated 31.07.2017 passed by this Court, the petitioner was a PDS licence holder. However, the licence was suspended in the year 2016 and cancelled on 26.10.2016. The challenge to the suspension and the cancellation of the petitioner's PDS licence has been made by the petitioner, who has apparently now expired. In that view of the matter, this Court is of the view that the case appears to be infructuous. The reason being that even if this Court was to decide the validity of the suspension and cancellation of the PDS licence, the same would only be of academic interest. Further, even if this Court was to hold that the cancellation of the licence was bad in law, there is no provision for inheriting a PDS licence by the legal heirs of the petitioner. Thus, a decision with regard to the issue raised in this writ petition would not be relevant or serve any purpose to any person.

9. In view of the reasons stated above, this Court does not find any reason to keep the writ petition pending any longer. Accordingly, the writ petition is dismissed as infructuous.

JUDGE

Comparing Assistant