

GAHC010089362024



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

Case No. : WP(C)/2368/2024

DHARITRI RAY AND ANR
W/- LATE RATI RANJAN RAY, R/O- VILL.- MAZGAON, P.O. CHOKOPARA,
DIST. BONGAIGAON

2: MRIDUL KUMAR RAY
S/O- SRI MONU SANKAR RAY
R/O- VILL.- MAZGAON PT-II
P.O. CHOKAPARA
PS AND DIST. BONGAIGAON
ASSAM PIN- 783380

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM BHANGAGARH GHY-5.

3:THE DISTRICT COMMISSIONER
BONGAIGAON ASSAM PIN- 783380.

4:THE DY. DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
DIST. BONGAIGAON ASSAM PIN- 783380.

5:THE CHOKAPARA COOPERATIVE SOCIETY LTD.
REP. BY ITS SECRETARY
P.O. CHOKAPARA
P.S. AND DIST. BONGAIGAON

ASSAM PIN- 783380

Advocate for the Petitioner : MR. B J GHOSH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 10.05.2024

Heard Mr. B. J. Ghosh, learned counsel for the petitioners, who submits that the husband of the petitioner No. 1, Late Rati Ranjan Ray, expired on 06.06.2022. He submits that Late Rati Ranjan Ray had a fair price shop licence under the respondent No. 5, bearing Licence No. BNS(R)PDA/14. On the death of Late Rati Ranjan Ray, the petitioner No. 2, who is the nephew of Late Rati Ranjan Ray, applied for transfer of the licence bearing Licence No. BNS(R)PDA/14 from the Late Rati Ranjan Ray to the petitioner No. 2. The petitioner No. 1 also submitted an application dated 05.07.2022 for transfer of the fair price shop licence in favour of the petitioner No. 2, besides giving a No-Objection Certificate.

2. The learned counsel for the petitioner submits that a direction should be issued to the respondent Nos. 3 & 4, to consider the transfer of the fair price shop licence bearing Licence No. BNS(R)PDA/14 in favour of the petitioner No. 2.

3. Mr. G. Bokaliyal, learned counsel appears for the respondent Nos. 1 to 4 and submits that there is no right of inheritance of any fair price shop licence.

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

5. There is nothing produced by the petitioners to show that the fair price shop licence, which was originally given to Late Rati Ranjan Ray, can be inherited by the relatives of the deceased. The only thing that the relative of the deceased can do is to apply for a fresh fair price shop licence. As such, no legal or fundamental right vests with the petitioners, for transfer of the FPS licence from the deceased to the petitioner No. 2.

6. In view of the above reasons, the petitioners are given the liberty to submit an application for allotment of a fresh fair price shop licence and on receipt of the application for a fresh fair price shop licence, the States respondents should consider the same along with all other fair price shop licence applications made by other persons, within a reasonable time. The above observation and direction is subject to the condition that the petitioner No. 2 has all the requisite criteria required for being considered for the same and that the fair price shop licence has not been allotted to any other person in lieu of the fair price shop licence, which had been allotted in the name of Late Rati Ranjan Ray earlier.

7. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant