

GAHC010097092021



2024:GAU-AS:10732-DB

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

Case No. : PIL/38/2021

HARUNAL RASHID
S/O NURUL ISLAM RESIDENT OF JAMUGURI,
PO HATIZUZUA, PS JURIA, DIST NAGAON, ASSAM, 782122

VERSUS

1: THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE HONBLE SECRETARY, DEPARTMENT OF FOOD
AND PUBLIC DISTRIBUTION, MINISTRY OF CONSUMER AFFAIRS, FOOD
AND PUBLIC DISTRIBUTION, KRISHI BHAWAN, NEW DELHI 110001

2: THE STATE OF ASSAM REPRESENTED BY COMMISSIONER AND
SECRETARY TO THE GOVT. OF ASSAM FOOD CIVIL SUPPLIES AND
CONSUMERS AFFAIRS DEPARTMENT ASSAM SECRETARIATE. DISPUR
GUWAHATI ASSAM 781006

3: THE DEPUTY COMMISSIONER, NAGAON, OFFICE OF THE DEPUTY
COMMISSIONER NAGAON OLD TRUNK ROAD CHRISTIANPATTY NAGAON
ASSAM 782001

4: THE DEPUTY DIRECTOR, FOOD CIVIL SUPPLIES AND CONSUMER
AFFAIRS BRANCH OFFICE OF THE DEPUTY COMMISSIONER OLD TRUNK
ROAD NAGAON ASSAM 782001

5: NAGAON MUNICIPAL CORPORATION, REPRESENTED BY ITS
COMMISSIONER CHRISTIANPATTY GUWAHATI ASSAM 782001

6: THE ASSAM STATE DISASTER MANAGEMENT AUTHORITY
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER ANCILLARY BLOCK
JANATA BHAWAN DISPUR GUWAHATI ASSAM 78100

For the Petitioner(s) : Mr. S. Dey, Advocate.
Mr. S.K. Chakma, Advocate.

For the Respondent(s) : Mr. R.K.D. Choudhury, Deputy Solicitor General of India for
respondent No.1.
: Mr. S. Sarma, Government Advocate, Assam for respondent No.3.

: Mr. S.C. Khound, Advocate for respondent No.5.

: Ms. N. Bordoloi, Standing Counsel, Revenue Department for respondent No.6.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

05.11.2024

(Vijay Bishnoi, CJ)

This PIL is filed by the petitioner with a prayer to issue a direction to the Food, Civil Supplies & Consumer Affairs Department of Government of Assam to conduct a survey in the entire Nagaon District to identify poor households, who do not have Ration Cards and to issue Ration Cards to them. Further prayers for some ancillary reliefs have also been made in this writ petition.

It appears that this writ petition was filed during the COVID pandemic and this Court, taking into consideration the situation that the marginalized and daily wage workers in the district of Nagaon were not able to sustain themselves in the pandemic, issued a direction to the Secretary, District Legal Services Authority, Nagaon to conduct a survey and submit a report to the Deputy Commissioner, Nagaon, who would then provide immediate relief to such families in the form of food and other daily needs.

Pursuant to that, the District Legal Services Authority, Nagoan conducted a survey and identified 1600 families, who required immediate assistance.

From the affidavit filed on behalf of the Assistant Commissioner, Nagaon, it appears that necessary assistance was provided to the members of the marginalized society, including the daily wage workers in the district of Nagaon.

So far as the issue of issuance of Ration Cards to the eligible persons are concerned, the Deputy Commissioner, Nagaon (Relief & Disaster Management Branch) has filed an affidavit, wherein it is mentioned that as per the provisions of the National Food Security Act, 2013 (hereinafter to be referred as "NFSA, 2013"),

if the eligible persons, whose category have been specified in the NFSA, 2013, apply, then Ration Cards can be issued to them as per Government norms. It is also stated that for getting Ration Cards under the NFSA, 2013, application is required to be submitted as per the NFSA, 2013 guidelines and not through the local Fair Price Shops. It is noticed that some of the beneficiaries have applied for Ration Cards through the local Fair Price Shops and not as per the provisions of the NFSA, 2013.

Be that as it may, taking into consideration the fact that this Court, vide order dated 05.12.2022, has disposed of a public interest litigation (PIL No.32/2021) in respect of Kamrup (M) District of the State of Assam, wherein also similar reliefs, as prayed for in this writ petition, had been prayed, we deem it appropriate to dispose of this PIL petition with the following direction:-

In case the persons belonging to the categories specified under the NFSA, 2013 apply for issuance of Ration Cards as per the NFSA guidelines, the Director of Food, Civil Supplies & Consumer Affairs, Government of Assam and the Deputy Commissioner, Nagaon may verify each and every application submitted for issuance of Ration Cards, as expeditiously as possible, and after due verification pass appropriate orders in accordance with law for grant of Ration Cards to such families who are eligible for the same.

With this observation, this PIL petition stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant