

GAHC010100332024



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

Case No. : WP(C)/2659/2024

SUDHA DEVI SINGH
WIFE OF SRI TARKESWAR SINGH, ADDRESS- BALUPARA NO.1, P.S.
TINSUKIA, DISTRICT- TINSUKIA, PIN- 786126, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED HEREIN BY ITS ADDITIONAL CHIEF SECRETARY, FOOD,
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, GOVERNMENT
OF ASSAM, ADDRESS- ROOM NO. D415, D-BLOCK, 4TH FLOOR, ASSAM
SECRETARIAT, DISPUR, GUWAHATI, PIN- 781006, ASSAM

2:THE DEPUTY DIRECTOR AND LICENSING AUTHORITY
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
GOVERNMENT OF ASSAM
ADDRESS- OFFICE OF THE DISTRICT COMMISSIONER
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS BRANCH
BORGURI
TINSUKIA
DISTRICT- TINSUKIA
PIN- 786125
ASSA

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

22.05.2024

- 1.** Heard Mr. S. Chamaria, learned counsel for the petitioner and Mr. S.R. Barua, learned Standing Counsel, Food & Civil Supplies Department.
- 2.** Considering the nature of the grievance projected by the writ petitioner, the writ petition is taken up for disposal at this stage.
- 3.** By filing this writ petition, the petitioner is aggrieved with the order dated 25.07.2023, by which her Fair Price Shop licence has been suspended indefinitely. It is the case of the petitioner that Show-Cause was ultimately issued after suspension of her licence on 25.10.2023 and against the same, the petitioner submitted her application on 02.11.2023 seeking extension of time for filing Show-Cause-Reply. The In-Charge Deputy Director, Food, Public Distribution and Consumer Affairs, Tinsukia then intimated the petitioner that personal hearing will be conducted on 20.02.2024, vide letter dated 05.02.2024. It is thus case of the of the petitioner that the Fair Price Shop licence since passing of the order dated 25.07.2023 has not culminated into a logical conclusion either against or in favour of the petitioner and therefore she is before the Court.
- 4.** Clause 15(2) of the Assam Public Distribution of Articles Order, 1982 provides that no order of cancellation shall be made under the said clause unless the licensee has been given reasonable opportunity or stating his case against the proposed cancellation but during the pendency or in contemplation of the proceedings of cancellation of the licence, the licence can be suspended

for a period not exceeding 90 (ninety) days without giving any opportunity to the licensee of stating his case.

5. Considering the above provision and the fact that the licence of the petitioner has been put under suspension since 25.07.2023, the writ petition is disposed of with a direction to the respondent no.2, i.e. the Deputy Director and Licensing Authority Food, Civil Supplies and Consumer Affairs Department, Government of Assam to fix a date for personal hearing of the petitioner within a period of 4 (four) weeks from the date of receipt of a certified copy of this order. On the date fixed for personal hearing, the petitioner shall make herself available along with all supporting documents including the Show-Cause-Reply. Upon considering the same, the respondent no.2 shall pass appropriate orders in accordance with law within a period of four weeks thereafter.

6. If the respondent no.2 has already fixed a date for personal hearing of the writ petitioner, the same shall be communicated to the writ petitioner and the petitioner shall be at liberty to submit any materials in her power and possession in support of her case. It is further provided herein that the respondent no.2 had in the meantime already taken a decision, the same shall be communicated to the petitioner. The decision to be taken by the respondent no.2 shall invariably be communicated to the petitioner as well.

JUDGE

Comparing Assistant