

GAHC010127522023



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

Case No. : WP(C)/3743/2023

THEROSWANGBI SINGHA
D/O- LATE MONI SINGHA, R/O- VILL- RAJYESWARPUR PART-II, P.O. AND
P.S. LALA, PIN- 788163, DIST.- HAILAKANDI, ASSAM

VERSUS

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

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

3: THE DEPUTY COMMISSIONER
HAILAKANDI
ASSAM
P.O. AND DIST.- HAILAKANDI
PIN- 788151

4: THE ASSTT. DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
HAILAKANDI
P.O. AND DIST.- HAILAKANDI
ASSAM
PIN- 788151

5: THE AREA OFFICER CUM INSPECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
HAILAKANDI
P.O. AND DIST.- HAILAKANDI
ASSAM
PIN- 788151

6:SRI NABACHANDRA SINGHA
LICENCE NO. 131800200314
R/O- VILL- RAJYESWARPUR PART-III
P.S. AND P.O. LALA
PIN- 788163
DIST.- HAILAKANDI
ASSAM

7:ABDUR REJAK BARBHUIYA
SECRETARY
NISCHINTAPUR CO-OPERATIVE SOCIETY
VILLAGE- NISCHITAPUR
P.S. AND P.O. LALA
DIST.- HAILAKANDI
ASSAM
PIN- 78816

Advocate for the Petitioner : MR. N ISLAM

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

05-02-2024

Heard Mr. T. K. Dey, learned counsel for the petitioner. Also heard Mr. M. Chetia, learned counsel for the respondent nos. 1 to 5.

The grievance of the petitioner is that the customers registered with the fair price shop run by the petitioner has been tagged with the fair price shop of the respondent no. 6, on the ground that the circular issued by the respondent no. 2 required fair price shop dealers to have more than 50 customers, while the petitioner's fair price shop was alleged to have members below 50.

The petitioner's counsel submits that the number of customers/beneficiaries with the petitioner's fair price shop was 84. However, the respondent authorities have legally tagged the customers of the petitioner's fair price shop with the fair price shop of the respondent no. 6, on the ground that the petitioner's fair price shop has only 47 card holders. The petitioner's counsel submits that the petitioner has submitted a representation to the Deputy Commissioner, Hailakandi, with regard to the fact that the petitioner had more than 50 customers in his fair price shop and as such, his customers could not have been tagged with the fair price shop of the respondent no. 6. He submits that the petitioner's representation not having been considered till date, a direction should be issued to the respondent no. 2, to take a decision on the petitioner's representation.

Mr. M. Chetia, the learned counsel for the respondent submits that he has no objection to the prayer made by the petitioner's counsel.

On considering the submissions made by the learned counsels for the parties, respondent no. 3 is directed to consider the petitioner's representation dated 23.03.2023 and take a decision on the same, within a period of 1 (one) month from the date of receipt of the certified copy of the order.

The decision taken should thereafter be communicated to the petitioner.

The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant