

GAHC010143322024



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

Case No. : WP(C)/3584/2024

RAKESH SINGH
S/O- LATE RANA PRATAP SINGH,
R/O- H.NO-70A,
LABAKPAR PART- II,
P.O- PAILAPOOL,
P.S- LAKHIPUR,
DIST-CACHAR, ASSAM, PIN-788004

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE CHIEF SECRETARY , TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06, KAMRUP (M), ASSAM

2:THE ADDITIONAL CHIEF SECRETARY

TO THE GOVT. OF ASSAM
DISPUR
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI-06
KAMRUP (M)
ASSAM

3:THE SECRETARY
TO THE GOVT. OF ASSAM

FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS DEPARTMENT
DISPUR
GUWAHATI-06

KAMRUP (M)
ASSAM

4:THE COMMISSIONER
FOOD
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS LEGAL METROLOGY
DEPARTMENT
DISPUR
GUWAHATI-05
KAMRUP (M)
ASSAM

5:THE DEPUTY COMMISSIONER
CACHAR
SILCHAR
ASSAM
PIN-788001

6:THE SUB DIVISIONAL OFFICER (CIVIL)
DEPARTMENT OF FOOD AND CIVIL SUPPLIES
LAKHIPUR SUB DIVISION
LAKHIPUR
CACHAR
SILCHAR
ASSAM
PIN-788103

7:THE EXECUTIVE MAGISTRATE
LAKHIPUR SUB DIVISION
P.O AND P.S- LAKHIPUR
DIST-CACHAR
SILCHAR
ASSAM

8:THE INSPECTOR
DEPARTMENT OF FOOD AND CIVIL SUPPLIES
LAKHIPUR SUB DIVISION
LAKHIPUR
P.O AND P.S- LAHIPUR
DIST-CACHAR
ASSAM
PIN-78810

Advocate for the Petitioner : MR. B J GHOSH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

24.07.2024

1. Heard Mr. I. Alam, learned counsel for the petitioner and Mr. S.R. Barua, learned counsel for all the respondents.
2. The petitioner's case is that the fair price shop licence of the petitioner had been suspended on 09.10.2023 and the consumers that had been attached with the petitioner's fair price shop were subsequently attached with the fair price shop of Ambuja Singh.
3. The Executive Magistrate, Lakhipur, Cachar, on visiting the fair price shop of Ambuja Singh, found the same to be closed.
4. The petitioner's counsel submits that thereafter the Executive Magistrate, Lakhipur, Cachar had sealed the dwelling house of the petitioner, thinking that the same was the fair price shop of Ambuja Singh.
5. This Court, vide order dated 22.07.2024 had directed Mr. S.R. Barua, learned counsel for all the respondents to obtain instructions, as to whether the personal dwelling house of the petitioner had been sealed, vide the Seal Notice (Door No.2) on 17.07.2024.
6. Today, Mr. S.R. Barua has submitted letter no. CSE.3/2024/68 dated

23.07.2024 issued by the District Commissioner, Cachar, Silchar, which states that the dwelling house of the petitioner at Door No.2 had not been sealed by the Executive Magistrate, Lakhipur on 17.07.2024. Further, the petitioner was running the fair price shop along with the fair price shop of Ambuja Sing from the same room situated at Pailapool, Lakhipur, Cachar since long, which was in clear violation of Condition No.2(a) and (b) of the Assam Public Distribution Articles Order, 1982. The letter dated 23.07.2024 also stated that the de-sealing of the door, for which the writ petition has been filed, has already been de-sealed by the Executive Magistrate, Lakhipur on 22.07.2024. He also submits that the room having Door No.2 is not the dwelling place of the petitioner, though there is a bed in the room.

7. The contents of the letter dated 23.07.2024 issued by the District Commissioner, Cachar, Silchar is reproduced hereinbelow, as follows :

“No. CSE. 3/2024/68 Dated, Silchar the 23rd July, 2024

To,

Shri Sudipta Ranjan Boruah

Jr. Govt. Advocate, Assam,

Gauhati High Court, Guwahati-I.

*Sub:- Regarding instruction in connection with W.P. (C) No. 3584/2024
(Rakesh Singh-Vs- The State of Assam)*

Ref:- Letter No. JR/GA/SRB/6310 dtd. 22.07.2024

Sir,

With reference to the subject cited above, I would like to submit hereunder the instruction in connection with W.P. (C) No. 3584/2024 (Rakesh Singh-Vs- The

State of Assam) :-

- 1. It is not a fact that the dwelling house of the petitioner at Door No. 2 has been sealed by the Executive Magistrate, Lakhipur on 17/07/2024.*
- 2. It is to be stated that the petitioner was running his Fair Price Shop along with Fair Price Shop held by another Dealer namely Ambuja Singh from the same room situated at Pailapool, Lakhipur, Cachar since long. The fact is that 02 (two) nos. of Fair Price Shop are running from the same shop. This is a clear violation of condition No. 2 (a) and (b) of the Assam Public Distribution Articles Order, 1982. This fact has been reported by the beneficiaries of the said Fair Price Shop at the time of physical inspection by the Executive Magistrate, Lakhipur on 17.07.2024.*
- 3. It is also to be stated that the door for which the Writ Petition has been filed, has already been de-sealed by the Executive Magistrate, Lakhipur on 22.07.2024, considering the prayer petition of the petitioner."*
8. The letter dated 23.07.2024 issued by the District Commissioner, Cachar, Silchar is made a part of the record and marked as Annexure-X.
9. In view of the fact that the Door No.2, which the writ petitioner had prayed for de-sealing, has been de-sealed, nothing remains to be adjudicated any further in the writ petition.
10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant