

GAHC010174622016



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

Case No. : WP(C)/6550/2016

MD. MONIR UDDIN and 4 ORS.
S/O LT. S. ALI

2: JAHANARA BEGUM
W/O MD. MONIR UDDIN

3: MUSTT. PARBIN SULTANA
W/O ABDUL RAHIM

4: MUSTT. SAJHIDA AKHTAR KHANAM
W/O ABDUL SADEK

5: MUSTT. HASNARA BEGUM
W/O JALAL UDDIN
1 TO 5 ALL ARE R/O DEWAGURI
P.S. LAHORIGHAT
DIST- MORIGAON
ASSAM
PIN-78212

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER and SECY., HOME DEPTT., DISPUR, GHY-6

2: THE COMMISSIONER AND SECY.
FOOD
CIVIL SUPPLY and CONSUMER AFFAIRS DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

3: THE DIRECTOR OF FOOD CIVIL SUPPLY and CONSUMER AFFAIRS
ASSAM

BHANGAGARH
GHY-5

4:THE DY. COMMISSIONER
MORIGAON
DIST- MORIGAON

5:THE SUPERINTENDENT OF POLICE
DIST- MORIGAON
MORIGAON

6:THE OFFICER IN CHARGE
LAHORIGHAT
P.S. and DIST- MORIGAON
ASSAM

7:THE ASSTT. DIRECTOR
FOOD CIVIL SUPPLY and CONSUMER AFFAIRS
MORIGAON
DIST- MORIGAON
ASSAM

8:ABU BAKKAR
S/O LT. A. MAZID
VILL. DEWAGURI
P.S. LAHORIGHAT
DIST- MORIGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR.U DAS, MS.P UPAMANYU,MR.B CHAKRABORTY

Advocate for the Respondent : MR.A I UDDINR-8, GA, ASSAM,MR.A GEER(R-8),MR.A ALAM(R-8),MR.H R A CHOUDHURY(R-8),MR.S K SINGHA(R-8)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05.08.2024

Heard Mr. B. Chakraborty, learned counsel for the petitioners. Also heard Mr. N. Goswami, learned Government Advocate, appearing on behalf of the

State respondents.

The petitioners, in the present proceeding, have raised a grievance with regard to the inaction on the part of the respondent authorities in not taking appropriate action against the respondent No. 8, herein, with regard to the violations as committed by him of the provisions of the Assam Supply Distribution Orders, 1982, as well as the provisions of National Food Security Act, 2013.

It is to be noted that the petitioners, herein, are the beneficiaries of a benevolent scheme as brought into operation by the Government through the targetted Public Distribution System.

It is contended in the writ petition that the respondent No. 8, herein, who is a licensee under the Assam Public Distribution of Articles Order, 1982, and is entrusted with the responsibility of distribution of PDS items; has been committing irregularities in distribution of such items leading to the petitioners being deprived of their respective dues.

It is to be noted that the petitioners, herein, had approached the respondent authorities and having not found any positive response in the matter; had approached the Court of the learned Chief Judicial Magistrate, Morigaon, by instituting a complaint being C.R. Case No. 968/2016. In pursuance of the directions of the said Court, the matter was remanded to the Lahorighat Police Station and a criminal case was registered against the respondent No. 8 being Lahorighat P.S. Case No. 372/2016.

The said case not having been taken to its logical conclusion, the petitioners have instituted the present proceeding, praying for handing over the said case to the CID or to any other specialized investigating agency. The petitioners have also prayed for taking appropriate steps against the respondent No. 8 as well as other departmental authorities involved in the matter.

Today, the learned Government Advocate, on instructions, has submitted that the police on completion of the investigation in connection with Lahorighat P.S. Case No. 372/2016; has already filed the charge-sheet being C.S. No. 151/2017 in the year 2017 against the respondent No. 8, herein, and the matter is presently pending trial.

In view of the above position; the grievance raised by the petitioners, in the present proceeding, has been redressed and accordingly, no further live issue being available for adjudication; the instant writ petition stands disposed of holding that the criminal proceedings as instituted against the respondent No. 8, herein, and/or proceedings instituted by the departmental authorities, would be carried-out forward and concluded strictly in accordance with law.

JUDGE

Comparing Assistant