

GAHC010201982023



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

Case No. : WP(C)/5411/2023

MD. ADUD AHMED
S/O- ATUR RAHMAN,
R/O- JALALPUR PART II, KATIGORA,
SILCHAR-788816, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, FOOD , CIVIL
SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
DISPUR, GHY-06

2:THE DIRECTOR
OF FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM RUPNAGAR GHY-32

3:THE DEPUTY COMMISSIONER
CACHAR ASSA

Advocate for the Petitioner : MR. U J SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 13.03.2024

Heard Mr. U. J. Saikia, learned counsel for the petitioner and Mr. S. R. Baruah, learned counsel for all the respondents.

2. The petitioner is a Licensee of a Fair Price Shop [FPS] under the

provisions of the Assam Public Distribution of Articles [APDA] Order, 1982 and he runs his Fair Price Shop [FPS] in a locality within the jurisdiction of Silchar.

3. It is the grievance of the petitioner that since July, 2023, the petitioner has not been allotted Public Distribution System [PDS] commodities, despite the fact that the petitioner has more than 50 Ration Card beneficiaries tagged with his Fair Price Shop [FPS]. The petitioner has contended that the allotment of the PDS commodities could not have been stopped under the provisions of One Nation One Ration Card [ONORC] Scheme framed by the respondent authorities, as he has more than 50 Ration Card beneficiaries tagged with his Fair Price Shop [FPS].

4. The petitioner's counsel submits that as per his record, there are 53 ration card beneficiaries that have been tagged with his fair price shop.

5. On the other hand, the affidavit of the respondent No. 3, i.e. District Commissioner, Cachar, is to the effect that the petitioner's fair price shop had 50 ration card holders. The above conflicting stands taken by the parties clearly show that there is a disputed question of fact.

6. At this stage, the counsels for the parties submit that as there are disputed questions of facts, the same may be decided by the Director of Food, Civil Supplies & Consumer Affairs (respondent No. 2).

7. Accordingly, as per the consent of the parties, the respondent No. 2 is directed to take a decision, as to whether the petitioner's fair price shop had 50 or more ration card holders at the relevant point of time, after giving an opportunity of hearing to the petitioner. The entire exercise

should be concluded within a period of six weeks from the date of receipt of a certified copy of this order.

8. This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant