

GAHC010213332024



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

Case No. : I.A.(Civil)/3321/2024

MD. ABDUL LATIF
SON OF MD. ABDUL HAMID,
RESIDENT OF ANIRUDDHA PATH,
NEAR BANK OF INDIA,
KAMARCHUBURI, TEZPUR,
DISTRICT- SONITPUR
AND PERMANENT RESIDENT OF KWAKTA WARD NO. 08, MOIRANG SUB-
DIVISION,
BISHNUPUR, MOIRANG, MANIPUR- 785133.

VERSUS

FOOD CORPORATION OF INDIA (FCI) AND 4 ORS
ZONAL OFFICE (NORTH EAST), GUWAHATI, REPRESENTED BY THE
EXECUTIVE DIRECTOR (NE).

2:THE GENERAL MANAGER (R)
REGIONAL OFFICE
FCI
ASSAM.

3:THE DIVISIONAL MANAGER
FCI
TEZPUR
DIST.- SONITPUR
ASSAM.

4:THE DIVISIONAL MANAGER
FCI
NORTH LAKHIMPUR
ASSAM

Advocate for the Petitioner : MS. M KUMARI, MR D NANDI,B U LASKAR

Advocate for the Respondent : SC, F C I,

Linked Case : WP(C)/2521/2024

MD. ABDUL LATIF
SON OF MD. ABDUL HAMID

RESIDENT OF ANIRUDDHA PATH

NEAR BANK OF INDIA

KAMARCHUBURI
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DISTRICT- SONITPUR
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FCI
NORTH LAKHIMPUR
ASSAM.

Advocate for : MS. M KUMARI

Advocate for : SC

F C I appearing for FOOD CORPORATION OF INDIA (FCI) AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 11/11/2024

Heard Ms. M. Kumari, learned counsel appearing for the applicant. Also heard Mr. B.K. Singh, learned Standing Counsel, FCI, appearing for the opposite parties.

This IA has been filed with a prayer to extend the interim order dated 24/05/2024 passed by this Court in WP(C) 2521/2024, which had lapsed by default on the last occasion since the order was not extended.

Ms. Kumari, learned counsel for the applicant submits that the applicant/writ petitioner has raised a question of law in the writ petition, which requires final adjudication. Therefore, if the departmental proceeding is allowed to continue, pending disposal of the writ petition, the same would not only prejudice the interest of the applicant/writ petitioner but would also render the writ petition infructuous.

Mr. B.K. Singh, learned Standing Counsel, FCI, on the other hand, has strongly opposed the prayer made in the IA. By referring to the affidavit-in-opposition filed on behalf of the Corporation on 08/11/2024 Mr. Singh submits that the law on the subject has already been clarified by the Hon'ble Supreme Court and, therefore, there is no justification for suspending the departmental proceeding any further. Mr. Singh has further argued that on the last date, the writ petition itself was fixed for

admission hearing with a view to dispose of the same and, therefore, the writ petition calls for expeditious disposal.

Having heard the submissions made at the Bar and after going through the statements made in the application as well as the counter affidavit, this Court is of the opinion that the writ petition calls for expeditious hearing. However, since there was already an interim order operating in the matter, the said order cannot be allowed to lapse by default. As such, the interim order dated 24/05/2024 is hereby extended until further orders.

The connected writ petition be listed on 10/12/2024, as a fixed item, for admission hearing.

It is made clear that no prayer for adjournment on behalf of the writ petitioner shall be entertained on the next date fixed.

IA stands disposed of.

JUDGE

Sukhamay

Comparing Assistant