

GAHC010221392024



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

Case No. : WP(C)/5524/2024

ABHIRAM SARKAR
S/O- LATE KOKARAM SARKAR, RESIDENT OF VILLAGE- KAYAKUCHI
GAON, P.O. NALIGAON, DISTRICT- BARPETA, ASSAM, PIN- 781352

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DISTRICT COMMISSIONER
BARPETA
P.O. AND DISTRICT- BARPETA
ASSAM
PIN- 781301

3:THE DEPUTY DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BARPETA
P.O. AND DISTRICT- BARPETA
ASSAM
PIN- 781301

4:THE SUB-INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BARPETA
P.O. AND DISTRICT- BARPETA
ASSAM
PIN- 781301

5:THE DESHBHAKTA G.P.S.S. LTD.
BHAKTARDOBA
VILL. AND P.O. NALIGAON
DISTRICT- BARPETA
ASSAM
PIN- 781352

6:SRI TAPAN SANYAL
S/O- SRI MANIK CH. SANYAL
R/O- VILLAGE- KAYAKUCHI GAON
P.O. NALIGAON
DIST.- BARPETA
ASSAM
PIN- 78135

Advocate for the Petitioner : MR. N HAQUE, MR M HUSSAIN,MR. A K AZAD,MR. S R BARBHUIYA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

30.10.2024

Heard Mr. N. Haque, learned counsel for the petitioner, who submits that the petitioner was given a fair price shop licence for Kayakuchi Gaon under M/s Deshbhakta GPSS Ltd in the district of Barpeta. The petitioner's licence was however suspended vide order dated 24.09.2014 and the ration card holders of the petitioner's fair price shop were tagged with the nearest fair price shop of Taizuddin Ahmed of Kayakuchi Gaon. The petitioner's fair price shop licence was subsequently cancelled on 14.08.2024 by the Deputy Director i/c, Food, Civil Supplies & Consumer Affairs, Barpeta and the respondent No.6 has been granted retail licence for running of a fair price shop in place of the petitioner,

under the Assam Public Distribution of Articles Order, 1982.

2. The petitioner's counsel submits that the impugned order dated 14.08.2024, by which the petitioner's FPS licence has been cancelled, has been put to challenge by way of an representation/appeal dated 27.09.2024, which has been submitted to the District Commissioner, Barpeta. The petitioner's counsel submits that the same has not been disposed of till date. He accordingly prays that a direction may be issued to the respondent No.2 to take a decision on the petitioner's representation/ appeal dated 27.09.2024 (Annexure-7) and thereafter communicate the said decision to the petitioner.

3. Ms. U. Das, learned counsel appearing for the respondent Nos.1-4 submits that she has got no objection to the prayer made by the petitioner's counsel.

4. In view of the consent of the parties, the respondent No.2 is directed to take a decision on the petitioner's representation/appeal dated 27.09.2024, within a period of 2(two) months from the date of receipt a certified copy of this order. The respondent No.2 is also directed to give his decision on the representation/appeal dated 27.09.2024, after giving an opportunity of hearing to the respondent Nos. 5 & 6. The decision taken should thereafter be communicated to the petitioner.

5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant