

WP(C) 4428/2008

BEFORE

HON'BLE MR. JUSTICE H.N. SARMA

Heard Mr. K. Gogoi, learned counsel for the petitioner and Ms. VL Singh, learned Govt. Advocate.

The petitioners Society in distributing the notified PDS Articles like BPL rice and APL rice and allegedly violated the condition No. 1, 3(1) of the license issued by the Assam Public Distribution of Articles Order No. 1982 to the petitioner as well as Clause- 6(3) of the Public Distribution System (Control) Order, 2001 and upon perusal of the report submitted by the S.I, F.C.S. & CA, the license of the petitioner was suspended by the Deputy Commissioner, Dhemaji on 19.9.2008. It is submitted that after suspending the license, no further communication has been made, though the petitioner society has been allowed to lift the PDS Articles from January, 2009. It is also seen from the order that the license of the petitioner was suspended without giving any opportunity to the petitioner in terms of Clause- 15(2) of the Assam Public Distribution of Articles Order 1982 although the maximum period for suspension is 90 days without giving any opportunity to the petitioner to stop selling the goods.

In that view of the matter the impugned order of suspension which has been passed on 19.9.08, by today it is more than 90 days and prima-facie attracts terms of Clause-15(2) of the Control Order. Further, it is also stated that no order in connection with such suspension has been passed by the authority although the petitioner has been allowed to lift the PDS Articles since January, 2009.

In that view of the matter, it appears that the concerned authority has already releasing the material and allowed to lift PDS Articles but no effective order has been stated to have been passed.

In that view of the matter this case is disposed of directing that the authority shall pass appropriate order in terms of Clause-15(2) of the Control Order since 90 days are already over.

With this order this writ petition stands closed.