

GAHC010014412023



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

Case No. : WA/51/2023

BALURAM DAS AND 13 ORS
CARE OF SIKIRI DAS, LECEASE NO. PDS(R)/101/98, VILLAGE- RAJABARI
GAON, P.O. JORKATA, DISTRICT- DHEMAJI, ASSAM.

2: TILESWAR DUWARAH
CARE OF HEMADHAR DUWARAH
LICENSE NO. PDS(R)1020/98
DATE- 05.01.1998
VILLAGE NOT KHALI HAMARI
P.O. JORKATA
DISTRICT- DHEMAJI
ASSAM.

3: PRAFULLA PEGU
CARE OF ALIM PEGU
LICENSE NO. PDS(R)7/2008/140
DATE-29.04.2008
VILLAGE- DAKHIN DUMKATA
P.O. SISIMUKH
DISTRICT- DHEMAJI
ASSAM.

4: JAYANTA PEGU
CARE OF SASINATH PEGU
LICENSE NO. PDS(R)131/2019
DATED- 05.01.2019
VILLAGE AND P.O. SISUMUKH
DISTRICT- DHEMAJI
ASSAM.

5: SADHANI BORUAH
CARE OF HEMANTA BORUAH
LICENSE NO. PDS(R)98/2009
B.M.S.S. VILLAGE- NO. 1 KHALIMARI

P.O. JORKATA
DISTRICT- DHEMAJI
ASSAM.

6: SAISAB NORAH
CARE OF KAMISON NORAH
LICENSE NO. PDS(R)33/2004
VILLAGE- LOTASU TAID
DISTRICT- DHEMAJI
ASSAM.

7: TIRTHESWAR BARSAIKIA
CARE OF KULARAM BARSAIKIA
LICENSE NO. PDS(R)120/2000
DATE- 22.08.2000
VILLAGE- UJANI HATIPARA
P.O. KACHARI PATHAR
DISTRICT- DHEMAJI
ASSAM.

8: DULAL GOGOI
CARE OF DIBRADHAR GOGOI
LICENSE NO. PDS(R)127/2000
VILLAGE SENGAMARIP
POST OFFICE- LAGUAPARA
DISTRICT- DHEMAJI
ASSAM.

9: DIMBA GOGOI
CARE OF DHUMFULIA GOGOI
LICENSE NO. PDS(R)437/2006
DATE- 02.08.2006
VILLAGE- BAHPARA
P.O. KAROIMARI
DISTRICT- DHEMAJI
ASSAM.

10: DANDESWAR SAIKIA
LICENSE NO. PDS(FFR)12/99
DATE- 13.12.99
VILLAGE- GARAIMARI
P.O. PACHIM DHEMAJI
DISTRICT- DHEMAJI
ASSAM.

11: DURNA GOGOI
CARE OF JUNGPUR
LICENSE NO. PDS(R)432/82

VILL. P.O. RANGKOP BULAKATA
P.O. BULAKATA
DISTRICT- DHEMAJI
PIN- 787057
ASSAM.

12: LALIT TAYE
CARE OF ALIM TAYE
LICENSE NO. PDS(R)794/94
VILLAGE- BORLUNG
DISTRICT- DHEMAJI
ASSAM.

13: SUBAL MARANG
CARE OF LATE PHONI MARANG
LICENSE NO. PDS(R)123/2019
VILLAGE- DHIRIGHAT
DISTRICT- DHEMAJI
ASSAM.

14: SATYENDRA NATH KARDONG @ SATY KARDONG
C/O KAMALA KARDONG SAMABAI SAMITTEE LTD.
LICENSE NO. PDS 428/87
VILLAGE- NOMAMI DALPANG KONGKONG SAMABAI SAMITTEE LTD

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS DEPARTMENT, SACHIVALAYA, DISPUR, GUWAHATI-781006.

2:THE DIRECTOR
FOOD
CIVIL SUPPLIES AND COMSUMER AFFAIRS DEPARTMENT
ASSAM
GUWAHATI- 781005
KAMRUP(M)
ASSAM.

3:THE DEPUTY COMMISSIONER
DHEMAJI
ASSAM.

4:THE ADDITIONAL DEPUTY COMMISSIONER
DHEMAJI
ASSAM.

5:THE ASSISTANT COMMISSIONER
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
DHEMAJI
ASSAM.

6:THE ASSISTANT DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
DHEMAJI
ASSAM

Advocate for the Petitioner : MS U SHARMA

Advocate for the Respondent : GA, ASSAM

Linked Case : WA/123/2023

LOKESWAR SHOH AND 17 ORS.
S/O- LATE GANGUOISHOH R/O- VILL- DAKHINNEGHERI P.O. KACHAMARI
P.S. MERAPANI
MOUZA- GHILADHARI
DIST- GOLAGHAT
ASSAM

2: PORESH MILI
S/O- JIBARAMMILI
R/O- DUBARANIGAON
P.O. KACHAMARI
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

3: KINARAM SAIKIA
S/O- LATE GUNURAMSAIKIA
R/O- VILL- GARIGAON
P.O. SAPEKHATI
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT

ASSAM

4: MONTU GOGOI
S/O- LATE BHABIRAMGOGOI
R/O- VILL- BIYAKORUA
P.O. KACHAMARI
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

5: NEKIBUR RAHMAN
S/O- SULEMANALI
R/O- VILL- BARAGHARIYAGAON

P.O. BALIPARIA
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

6: DHANANJAI BASUMATARY
S/O- LATE BHARAT BASUMATARY
R/O- VILL- GULOKPURGAON

P.O. RATANPUR
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

7: RAJIB SAIKIA
S/O SRI KIRANSAIKIA
R/O- VILL-KALYANPUR
P.O.TELISHAL
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

8: BAIKUNTHA KOLITA
S/O- LATE AJITKALITA
R/O- VILLKALYANPUR
P.O- TELISHAL

P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

9: BHAKTA LIMBU
S/O- LATE JOGAMATALIMBU
R/O- VILL- PADUMPATAR
P.O- TELISHA
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

10: BIREN GOGOI
S/O- LATE GONESYAMGOGOI
R/O- 3 NO GOMARIAHOMGAON
P.O- GOMARI
DIST- GOLAGHAT (ASSAM)
PIN- 785705

11: PUTUL BORUAH
S/O- LATE LILADHARBOROUAH
R/O- NAHARCHAPORIGAON
P.O- UJANITARANI
DIST- GOLAGHAT (ASSAM)
PIN- 785705

12: NOBIN BORA
S/O LATE KOMPURAM BORA
RESIDENT OF 4 NO GOMARIPOLASI
P.O- GOMARI
DIST- GOLAGHAT
(ASSAM)
PIN- 785705

13: PANCHAM SAHU
S/O- LATE KULLUSAHU
R/O- VILL- NO. 8
KAKOJAN
P.O. KACHAMARI
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

14: MAKHAN SAIKIA
S/O- SRI JATIRAMSAIKIA
R/O- VILL- MAZGAON
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

15: KHOGESWAR SAIKIA
S/O- LATE TUKESWARSAIKIA
R/O- VILL- UTTAR HATIEKHOWA
P.S. MERAPANI
MOUZA- GHILADHARI

DIST- GOLAGHAT
ASSAM

16: SANTANU CHAROH
S/O- LATE NOBINCHAROH
R/O- TETELIGURIGOMARI
P.O. GOMARIGURI
DIST- GOLAGHAT
ASSAM
PIN- 785705

17: BODON CHUTIA
S/O- LATE AHINACHUTIA
R/O- 2 NO. TORANIBORKACHARIGAON

P.O. UJANITORANI
DIST- GOLAGHAT
ASSAM
PIN- 785705

18: LALIT CHUTIA
S/O SRI NILAKANTA CHUTIA

R/O- 2 NO. TORANIBORKACHARIGAON
P.O. UJANITORANI
DIST- GOLAGHAT
ASSAM
PIN- 785705
VERSUS

THE STATE OF ASSAM AND 7ORS. A
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE

GOVERNMENT OF ASSAM
DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
SACHIVALAYA
DISPUR
GUWAHATI-781006.

2:THE DIRECTOR
FOOD CIVIL SUPPLIESAND CONSUMER AFFAIRS
ASSAM
GUWAHATI
DIST- KAMRUP (M)
ASSAM
PIN- 781005

3:THE DEPUTY COMMISSIONER
GOLAGHAT
P.O. AND DIST- GOLAGHAT
ASSAM
PIN- 785621

4:THE ASSISTANT DEPUTY COMMISSIONER
GOLAGHAT
P.O.AND DIST- GOLAGHAT
ASSAM
PIN- 785621

5:THE ASSISTANT COMMISSIONER

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
ASSAM

6:THE ASSISTANT DIRECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
ASSAM

7:THE AREA OFFICER

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
ASSAM

8:THE SUPPLY INSPECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
ASSAM

Advocate for : MR. A SARMA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 7ORS. A

Linked Case : WA/95/2023

NOMAL THENGAL AND ORS
S/O BHUBAN THENGAL
RESIDENT OF VILLAGE DIGHALPANI
PO RATANPUR PS MERAPANI
DIST GOLAGHAT ASSAM

2: UTTAM BORUAH
S/O LATE P BORUAH

RESIDENT OF VILLAGE NO. 9 ADARSHA GAON
PO BORJAN
PS MEREPAANI
DIST GOLAGHAT
ASSAM

3: ROBIN PHUKAN
S/O LATE JATIRAM PHUKAN

RESIDENT OF MERAPANI PO AND PS MERAPANI
DIST GOLAGHAT
ASSAM

4: PHUKAN DOLEY
S/O SRI JOGESWAR DOLEY
RESIDENT OF KALIBARI GOAN
PO AND PS MERAPANI
DIST GOLAGHAT
ASSAM

5: BHABA KT. BORA
S/O LATE GUBIN BORA

RESIDENT OF VILLAGE LACHIPUR
PO GOMARI
PS MERAPANI
DIST GOLAGHAT
ASSAM

6: ANANDA PEGU
S/O LATE G PEGU
RESIDENT OF BAHIPHALA GAON
PO GOMARI
PS MERAPANI
DIST GOLAGHAT
ASSAM

7: RENU GOGOI
D/O DURGESWAR GOGOI

RESIDENT OF VILLAGE MERAPANI
NABAGRAM
PO MERAPANI
PS MEREPANI
DIST GOLAGHAT
ASSAM

8: MD. NOZIRUDDIN AHMED @ NAJIRUDDIN AHMED
S/O LATE MUKIBUL HOQUE

RESIDENT OF VILLAGE BHELOWGUTI PO AND PS MERAPANI
DIST GOLAGHAT
ASSAM

9: PRAFULLA SAIKIA
S/O LATE BAPDHAN SAIKIA
RESIDENT OF VILLAGE UJANI TARANI
PO UJANI TARANI
PS MERAPANI
DIST GOLAGHAT
ASSAM

10: CHANAI GOGOI
S/O LATE PUNARAM GOGOI

RESIDENT OF VILLAGE CHAWDANG PATHAR
PO CHAWDANG PATHAR
PS MERAPANI
DIST GOLAGHAT
ASSAM

11: DILIP THENGAL
S/O LATE SUNESWAR THENGAL
RESIDENT OF VILLAGE MERACHOK
PO CHAWDANG PATHAR
PS MERAPANI
DIST GOLAGHAT
ASSAM
VERSUS

THE STATE OF ASSAM AND 7 ORS . E
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

DISPUR GUWAHATI 06

2:THE DIRECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

ASSAM

GUWAHATI-05

KAMRUP (M)

ASSAM

3:THE DEPUTY COMMISSIONER

GOLAGHAT

ASSAM

4:THE ASSISTANT DEPUTY COMMISSIONER

GOLAGHAT

ASSAM

5:THE ASSISTANT COMMISSIONER

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

6:THE ASSISTANT DIRECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

7:THE AREA OFFICER

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

8:THE SUPPLY INSPECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

Advocate for : MR. A SARMA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 7 ORS . E

Linked Case : WA/91/2023

AJIT HAZARIKA AND 30 ORS

S/O- MUKHESWAR HAZARIKA

R/O- VILL.- HINDU GOHAIN GAON

P.S. BOGINODI

DIST.- LAKHIMPUR

ASSAM

PIN- 787032.

2: DHANESWAR PAYENG

S/O- CHANDRA PAYENG
R/O- VILL.- PANIGAON
BORDUBI MALUWAL
P.S. PANIGAON
DIST. LAKHIMPUR
ASSAM
PIN- 787052.

3: NARAYAN BONIA
S/O- GOPAL BONIA
R/O- VILL.- AMTOLA
NO. 1 AMTOLA
P.S. PANIGAON
PIN- 787052
DIST.- LAKHIMPUR
ASSAM

4: BHADRESHWAR SONOWAL
S/O- PADMADHAR SONOWAL
R/O- VILL.- KALARICHUK
KADAM
P.S. BOGINADI
PIN- 787032
DIST.- LAKHIMPUR
ASSAM

5: SURYA BARUAH
S/O- GANESH BARUAH
R/O- VILL.- NA-BEEL BERBHANGA
P.S. BOGINODI
PIN- 787032
DIST.- LAKHIMPUR
ASSAM

6: MUKUL BORA
S/O- BHABANI BORA
R/O- VILL.- TELIA JAPISOJIA
P.S. NORTH LAKHIMPUR
PIN- 787031
DIST.- LAKHIMPUR
ASSAM

7: ANANDA HAZARIKA
S/O- LILADHAR HAZARIKA
R/O- VILL.- TELIA JAPISOJIA
P.S. NORTH LAKHIMPUR
PIN- 787031
DIST.- LAKHIMPUR

ASSAM

8: BAGAI GOWALA
S/O- RABI GOWALA
R/O- VILL.- KHUTAKATIA
P.S. PANIGAON
PIN- 787031
DIST.- LAKHIMPUR
ASSAM

9: PRAFULLA DUTTA
S/O- MANIRAM DUTTA
R/O- VILL.- LECHAI GAON
P.S. PANIGAON
PIN- 787052
DIST.- LAKHIMPUR
ASSAM

10: BABUL GOGOI
S/O- MAHESHWAR GOGOI
R/O- VILL.- DHENUDHARIA KARCHAN
P.O. KHELMATI
PIN- 787031
DIST.- LAKHIMPUR
ASSAM

11: RAJANI HOWBORAH
S/O- KESHARAM HOWBORAH
R/O- VILL.- NOWSHOLIA
P.O. AZAZ
P.S. NORTH LAKHIMPUR
PIN- 787031
DIST.- LAKHIMPUR
ASSAM

12: JANATA PAYENG
S/O- KAMAL CHANDRA PAYENG
R/O- VILL.- AJARGURI GAON
P.S. PANIGAON
PIN- 787031
DIST.- LAKHIMPUR
ASSAM

13: KRISHNA TALUKDAR
S/O- GAUR MOHAN TALUKDAR
R/O- VILL. 5 NO. KATHARI CHAPORI
P.O. POTHALIPAM
P.S. BOGINADI

PIN- 787056
DIST.- LAKHIMPUR
ASSAM

14: ATUL SAIKIA
S/O- KHAGESWAR SAIKIA
R/O- VILL.- KAMALPUR KALITA GAON
P.O. POTHALIPAM
P.S. BOGINADI
PIN- 787056
DIST.- LAKHIMPUR
ASSAM AND PRESENTLY RESIDING AT VILL.- CHAUDHUA
P.O. POTHALIPAM
P.S. BOGINADI
PIN- 787056
DIST.- LAKHIMPUR
ASSAM

15: PRABHAT SONOWAL
S/O- LATE GONESH SONOWAL
R/O- VILL.- TARIYANI RAJGARH
P.S. BOGINADI
PIN- 787030
DIST.- LAKHIMPUR
ASSAM

16: HAREN SAIKIA
S/O- PRADIP SAIKIA
R/O- VILL.- CHUTIA KARI
P.O. MOIDOMIA
PIN- 787032
DIST.- LAKHIMPUR
ASSAM

17: BANI KANTA PEGU
S/O- KUSHAL PEGU
R/O- VILL.- BANDHAKARA KACHIKATA
NO. 1
BANDHAKARA
P.S. BOGINADI
PIN- 787032
DIST.- LAKHIMPUR
ASSAM

18: BUDHESWAR SONOWAL
S/O- HEM SONOWAL
R/O- VILL. NO. 2 SENSHUWA
P.S. BOGINADI

PIN- 787030
DIST.- LAKHIMPUR
ASSAM

19: PULIN SAIKIA
S/O- LOKNATH SAIKIA
R/O- VILL.- LOTHO
P.S. NAWBOISA
PIN- 787032
DIST.- LAKHIMPUR
ASSAM

20: ANANTA HAZARIKA
S/O- RAMESH HAZARIKA
R/O- VILL. KACHUA
URIAMGURI
P.O. KACHUA
P.S. NARAYANPUR
PIN- 784165
DIST.- LAKHIMPUR
ASSAM.

21: BHADIA BORAH @ BHODIA BORAH
S/O- JONARAM BORAH
R/O- VILL. ATHABARI
P.O.- KACHUA
P.S. NARAYANPUR
DIST.- LAKHIMPUR
PIN- 784165
ASSAM.

22: LAKHYADHAR KAMAN
S/O- MOTIRAM KAMAN
R/O- VILL.-KOKSIRI GAON
P.S. BOGINADI
PIN- 787060
DIST.- LAKHIMPUR
ASSAM.

23: JIT NARAH
S/O- BILACH NARAH
R/O- VILL.- HIMPARA
P.S. BOGINADI
PIN- 787060
DIST.- LAKHIMPUR
ASSAM.

24: GHANASHYAM PAYANG

S/O- TUBOR PAYENG
R/O- VILL. HIMPARA
PIN- 787002
DIST.- LAKHIMPUR
ASSAM.

25: PARASHMONI CHUTIA
S/O- UMAKANTA CHUTIA
R/O- D.K. ROAD
NEAR NAMGHAR
1 NO. NAHARANI GAON
GHUMASUTI BEBEJIA
P.S. NORTH LAKHIMPUR
PIN- 787032
DIST.- LAKHIMPUR
ASSAM.

26: RANJIT TAID
S/O- BIDHAN TAID
R/O- VILL. HATYEMARA
PIN- 787032
DIST.- LAKHIMPUR
ASSAM.

27: CHAMIRANJAN HAZARIKA
S/O- NUMAL HAZARIKA
R/O- RAIDINGIA
P.S. BIHPURIA
PIN- 785164
DIST.- LAKHIMPUR
ASSAM.

28: MIHIRAM SWARGIARY
S/O- LT. TALABAR SWARGIARY
R/O- VILL. DHEMAGARH NO.2
P.S.- NARAYANPUR
PIN- 784615
DIST.- LAKHIMPUR
ASSAM.

29: PURNAKANTA GAYAN
S/O- THANESHWAR GAYAN
R/O- VILL. 1 NO. BURHABURI
P.S. BIHPURIA
PIN- 784161
DIST.- LAKHIMPUR
ASSAM.

30: HEMANTA KR. MORANG
S/O- TAPARAM MORANG
R/O- DIKHOW MUKHIA
KHANJAN
DIST.- LAKHIMPUR
PIN- 787031
ASSAM.

31: CHITRA RANJAN SONOWAL
S/O- AMRITECHAR SONOWAL
R/O- RAJGAR KACHARI
DIST.- LAKHIMPUR
PIN- 787031
ASSAM.
VERSUS

THE STATE OF ASSAM AND 2 ORS. B
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
DISPUR
GUWAHATI-6.

2:THE DIRECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
BHANGAGARH
GUWAHATI-5.

3:THE DEPUTY DIRECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
NORTH LAKHIMPUR
LAKHIMPUR
ASSAM

Advocate for : MS D BORGOHAIN

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 2 ORS. B

Linked Case : WA/92/2023

MIRA DOLEY AND ANR.
W/O KHAGESWAR PEGU
R/O VILL. SALMARA
P.S. NOWBOICHA PIN-787052 DIST. LAKHIMPUR
ASSAM

2: JOINAL UDDIN
S/O NAJIM UDDIN
R/O VILL. MAHGHULI
P.S. NORTH LAKHIMPUR
P.O. SALMORA
DIST. LAKHIMPUR
PIN-787052
ASSAM

3: KUSHESWAR BORA
R/O VILL. GANDHALI GAON
P.S. NOWBOICHA
PIN-787052
DIST. LAKHIMPUR
ASSAM

4: SAILEN CHUTIA
S/O BISHNU CHUTIA
R/O VILL. SHUWALGURI
P.S. PANIGAON
PIN-787031
DIST. LAKHIMPUR
ASSAM

5: JADUMANI BARUA
S/O PRAFULLA BARUA
R/O VILL. NAHARBARI
P.S. NORTH LAKHIMPUR
ASSAM

6: MAHENDRA NATH CHUTIA
S/O BUDURAM CHUTIA
R/O VILL. PAHUMORA MAJGAON
P.S. NORTH LAKHIMPUR
PIN-784160 DIST. LAKHIMPUR ASSAM

7: BHABA BORA
S/O JOGEN BORA
R/O VILL. BEELATIA KATHANI P.S. LALUK
PIN-787031 DIST. LAKHIMPUR
ASSAM

8: ATUL BARUAH
S/O- LT. KUKHESWAR BARUAH
R/O- VILLAGE- NO. 2 GOSAI PATHAR
P.S- BIHPURIA
PIN- 784161
DISTRICT- LAKHIMPUR
ASSAM.

9: CHENIRAM BARUAH
S/O.- LT. DEBEN BARUAH
RESIDENT OF VILLAGE- DHULIKHULI
P.S. BIHPURIA
DISTRICT- LAKHIMPUR
PIN- 784161
ASSAM.

10: SMTI. TARU GOGOI
D/O- SRI BHOGESWAR GOGOI
RESIDENT OF VILLAGE- NO. 2 HALMARIA
P.S. LALUK
PIN- 784160
DISTRICT- LAKHIMPUR
ASSAM

11: BOBHA BORANG
S/O.- LT. PHONI BORANG
RESIDENT OF PHULANIBARI
P.O. GOROIMARI
P.S. BOGINADI
PIN- 787032
DISTRICT- LAKHIMPUR
ASSAM

12: MHUI NANDA KAMAN
S/O.- LT. BOGEN KAMAN
R/O- VILLAGE- NO SUTI MEAR GAON
P.S.- BOGINADI
PIN- 787032
DISTRICT- LAKHIMPUR
ASSAM.

13: BADESWAR KAMAN
S/O- LT. JAIBHAR KAMAN
R/O- VILLAGE- MER TINIGARIA
P.S.- BOGINADI
PIN- 787032
DISTRICT- LAKHIMPUR
ASSAM

14: DUTIRAM SONOWAL
S/O- BHOGESWAR SONOWAL
R/O- VILLAGE- MARICHA PATHER
P.S.- BIHPURIA
PIN- 784161
DISTRICT- LAKHIMPUR
ASSAM.

15: PADMA RANI DOLEY
C/O- RAJKAPUR DOLEY
RESIDENT OF VILLAGE- KANKAN NAGAR
P.O.- SILAPATHAR
PIN- 787029
DISTRICT- DHEMAJI
ASSAM.
VERSUS

THE STATE OF ASSAM AND 2 ORS. H
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
DISPUR
GUWAHATI

2:THE DIRECTOR FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
BHANGAGARH
GUWAHATI-5

3:THE DEPUTY DIRECTOR FOOD CIVIL SUPPLIES AND CONSUMER
AFFAIRS
NORTH LAKHIMPUR
LAKHIMPUR
ASSAM

Advocate for : MS D BORGOHAIN
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS. H

Linked Case : WA/238/2023

LALBANU NESSA AND 5 ORS.
W/O HAIDAR ALI
R/O - HALDHIBARI
SAPMARI P.S.- MORIGAON
DIST- MORIGAON

ASSAM
PIN-782104. (LICENSE NO. M/S PDS-1/93)

2: NOBABAR DEKA
S/O- GHANAKANTA DEKA

R/O - GHAGUA RAJAGAON
GHAGUA
P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN-782105.
(LICENSE NO. M/S. PDS R 33/91).

3: ABUL KASEM
S/O ASAHAQUE ALI

R/O - KARIGURI
SANDAH KHAITI
P.S.- MAYANG
DIST- MORIGAON
ASSAM
PIN-782105.
(LICENSE NO. M/S/PDS 11/2006).

4: ABDUL KHALEK
S/O LATE ABDUL LATIF

R/O - LOCHANABARI NIGAM
JALUGUTI
P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN- 782104.
(LICENSE NO. M/S PDS (R)-2/2008).

5: ABDUL MATIN
S/O - LATE. CHOBAD

R/O - PHALIAMARI
BHURAGAON
P.S.- MAYENG
DIST- MORIGAON
ASSAM
PIN-782105.
(LICENSE NO. M/S PDS 21/88).

6: KAMAL UDDIN

S/O - ANICH ALI

R/O -PHALIHAMARI
BHURAGAON
P.S.-MAYENG
DIST- MORIGAON
ASSAM
PIN- 782121.
(LICENSE NO.MS/PDS(R)-1/2008).
VERSUS

THE UNION OF INDIA AND 5 ORS. B
REPRESENTED BY THE SECRETARY
DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION
KRISHI BHAWAN
NEW DELHI - 110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY

GOVT. OF ASSAM

DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

ASSAM SECRETARIAT
DISPUR
ASSAM.
3:THE DIRECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BHANGAGARH
GUWAHATI
ASSAM
PIN- 781005.
4:THE DEPUTY COMMISSIONER

MORIGAON
ASSAM.
PIN- 782105.
5:THE DEPUTY DIRECTOR

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
MORIGAON

OFFICE OF THE DEPUTY COMMISSIONER

MORIGAON
ASSAM.
6:THE SUB-DIVISIONAL OFFICER (CIVIL)
MORIGAON
DIST.-MORIGAON
ASSAM.

Advocate for : MR. H BURAGOHAIN
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS. B

Linked Case : WA/113/2023

PADMA CHUTIA AND 2 ORS.
S/O LATE KALIWA CHUTIA
RESIDENT OF NO. 3 TORANI
PO UJANI TORANI
PS MERAPANI
DIST GOLAGHAT
ASSAM 785631

2: SWARNALATA BORA
W/O GAGAN BORA
RESIDENT OF NO. 1 TORANIGAON
PO UJANI TORANI
PS MERAPANI
DIST GOLAGHAT
ASSAM
785632

3: PROTIM SAIKIA
S/O LATE BIHUA SAIKIA

RESIDENT OF VILLAGE NO. 4 GOMARIGURI
PO GOMARIGURI
PS MERAPANI
DIST GOLAGHAT
ASSAM
VERSUS

THE STATE OF ASSAM AND 7 ORS. B
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
SACHIVALAYA
DISPUR

GUWAHATI-6

2:DIRECTOR

FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS

ASSAM

GUWAHATI

DIST- KAMRUP(M)

ASSAM

PIN-781005

3:DEPUTY COMMISSIONER

GOLAGHAT

P.O.- GOLAGHAT

DIST- GOLAGHAT

ASSAM

PIN-785621

4:ASSTT. DEPUTY COMMISSIONER

P.O.-GOLAGHAT

DIST-GOLAGHAT

ASSAM

PIN-785621

5:THE ASSTT. COMMISSIONER

FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

P.O.-GOLAGHAT

DIST- GOLAGHAT

ASSAM

PIN-785621

6:THE ASSTT. DIRECTOR. FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

P.O.-GOLAGHAT

DIST- GOLAGHAT

ASSAM

PIN-785621

7:THE AREA OFFICER

FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

P.O.-GOLAGHAT

DIST-GOLAGHAT

ASSAM

PIN-785621

8:SUPPLY INSPECTOR

FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

GOLAGHAT
ASSAM

Advocate for : MR. A SARMA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 7 ORS. B

Linked Case : WA/271/2023

MRINAL KANTI RAY AND 15 ORS.
S/O. LATE MANORANJAN RAY
R/O. WARD NO.7
NEW GOALPARA
P.O. BALADMARI (BIHUFIELD)
DISTRICT GOALPARA
ASSAM

2: FAKHRUDDIN AHMED
S/O. LATE SAKIBUDDING AHMED

R/O. WARD NO.14
KISMATPUR

P.O. AND DISTRICT GOALPARA
ASSAM.

3: DHANJIT DAS
S/O. LATE HAREN DAS

R/O. WARD NO.2
CHANDARIA

P.O. AND DISTRICT GOALPARA
ASSAM

4: MONOJ KUMAR DAS
S/O. LATE DHANANJOY DAS

R/O. WARD NO.2
BANIAPARA

P.O. AND DISTRICT GOALPARA
ASSAM

5: PRANAB KUMAR SARKAR
S/O. LATE PRATAP CHANDRA SARKAR

R/O. WARD NO.9
KALIBARI
P.O. AND DISTRICT GOALPARA
ASSAM

6: REKHA DAS
W/O. DHIRAJ DAS

R/O. WARD NO.10
KALITAPARA

P.O. AND DISTRICT GOALPARA
ASSAM

7: AMULLYA CHANDRA DAS
S/O. LATE GAYA CHANDRA DAS

R/O. WARD NO.2
CHANDARIA

P.O. AND DISTRICT GOALPARA
ASSAM

8: ABDUL AZIZ
S/O. LATE NOIMUDDIN AHMED

R/O. WARD NO.13
KALPANA NAGAR
P.O. AND DISTRICT GOALPARA
ASSAM

9: NIRANJAN DAS
S/O. LATE UMESH DAS

R/O. WARD NO.9
KALITAPARA

P.O. AND DISTRICT GOALPARA
ASSAM

10: UJJAL KUMAR DAS
S/O. LATE SRIDHAR CHANDRA DAS

R/O. WARD NO.9
KALITAPARA

P.O. AND DISTRICT GOALPARA

ASSAM

11: SRI PRASEN KALITA
S/O. MOTILAL KALITA

R/O. VILLAGE AND P.O. BARBHITA

DISTRICT GOALPARA
ASSAM

12: MD. ABU SHAMA
S/O. LATE FAZAL HAQUE

R/O. VILLAGE PANIKHATI

P. O. BARDAMAL

DISTRICT GOALPARA
ASSAM

13: HATEM ALI
S/O. MANSER ALI

R/O. VILLAGE KATHAMARI
P.O. KHARMUZA

DISTRICT GOALPARA
ASSAM

14: MOHASSEN ALI
S/O. LATE HASSEN ALI

VILLAGE MILLAN NAGAR

P.O. BALADMARI

DISTRICT GOALPARA
ASSAM

15: SMTI. JYOTSNA RANI HAJONG
W/O. SRI AJOY KUMAR HAJONG

R/O. VILLAGE MARIOM NAGAR
P.O. BALADMARI

DISTRICT GOALPARA
ASSAM.
ALL ARE PIN. 783101

VERSUS

THE UNION OF INDIA AND 4 ORS. B
REPRESENTED BY THE SECRETARY
DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION
KRISHI BHAWAN
NEW DELHI 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
FOOD AND CIVIL SUPPLY DEPARTMENT
DISPUR
GUWAHATI 5

3:THE DIRECTOR
FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
BHANGAGARH
GUWAHATI 05

4:THE DEPUTY COMMISSIONER
P.O. AND DISTRICT GOALPARA
ASSAM
PIN 783101.

5:THE DEPUTY DIRECTOR
FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOALPARA
P.O. AND DISTRICT GOALPARA
ASSAM
PIN 783101

6:THE SUB DIVISIONAL OFFICER (C)
DHANSIRI
SARUPATHAR
DIST GOLAGHAT
ASSAM

Advocate for : MR. B J MUKHERJEE

Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS. B

Linked Case : WA/44/2023

PANIRAM DAS AND 3 ORS
S/O BHADRESWAR DAS

RESIDENT OF VILLAGE TELIA
JAPISOJIA
PS NORTH LAKHIMPUR
DIST LAKHIMPUR

ASSAM 787031

2: SRI RATNESWAR DAS
S/O DHANGA DAS

RESIDENT OF VILLAGE BOCHAGAON
PS PANIGAON
DIST LAKHIMPUR
ASSAM

3: SRI RAJEN DUTTA
S/O MOHAN DUTTA
RESIDENT OF VILLAGE BAHADUR CHUK
PO AND PS NORTH LAKHIMPUR
787031
DIST LAKHIMPUR
ASSAM

4: SRI BALIN SAIKIA
S/O KATIRAM SAIKIA

RESIDENT OF VILLAGE GHAMARA
PO GHAGAMAR
DIST LAKHIMPUR
ASSAM
787032
VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
DISPUR GUWAHATI 6

2:THE DIRECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
BHANGAGARH
GUWAHATI 05
3:THE DEPUTY DIRECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
NORTH LAKHIMPUR
LAKHIMPUR
ASSAM

Advocate for : MS D BORGOHAIN

Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WA/100/2023

PUNESWAR KACHARI AND 5 ORS
S/O LATE GHELAWA KACHARI
R/O NATUN CHAWDANGPATHAR
P.O.-CHOWDANGPATHAR
DIST-GOLAGHAT
ASSAM
PIN-785705

2: SMTI ANURADAH BORA
W/O SRI HAHIRAM BORA
R/O CHAWDANGPATHAR
BARISUA GAON
P.O.-CHOWDANGPATHAR
DIST-GOLAGHAT
ASSAM
PIN-785705

3: PAPU DAS
S/O SRI KRISHNA DAS
R/O GANAK PUKHURI GAON
P.O.-MERAPANI
DIST-GOLAGHAT
ASSAM
PIN-785603

4: DHANTI HAZARIKA
S/O LATE TARUN HAZARIKA
R/O RANGDHALI
MERAPANI
P.O.-KACHAMARI
DIST-GOLAGHAT
PIN-785705

5: PINKU BORA
S/O SRI BHABEN CH. BORA
R/O CHAWDANGPATHAR
GHILADHARI GAON
P.O.-CHOWDANGPATHAR
DIST-GOLAGHAT
ASSAM
PIN-785705

6: SUNIL GOGOI
S/O LATE GHANAKANTA GOGOI
R/O MERACHUK
MOHKHUTI
P.O.-CHOWDANGPATHAR
DIST-GOLAGHAT
ASSAM
PIN-785705

7: GOLAP THENGAL
S/O LATE DIMBESWAR BORA @ THENGAL
R/O SAPEKHATI
P.O.-SAPEKHATI
DIST- GOLAGHAT
ASSAM
PIN-785705
VERSUS

THE STATE OF ASSAM AND 7 ORS . B
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
SACHIVALAYA
DISPUR
GUWAHATI-6

2:DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
GUWAHATI
DIST- KAMRUP(M)
ASSAM
PIN-781005

3:DEPUTY COMMISSIONER
GOLAGHAT
P.O.- GOLAGHAT
DIST- GOLAGHAT
ASSAM
PIN-785621

4:ASSTT. DEPUTY COMMISSIONER
P.O.-GOLAGHAT
DIST-GOLAGHAT
ASSAM
PIN-785621

5:THE ASSTT. COMMISSIONER

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
P.O.-GOLAGHAT
DIST- GOLAGHAT
ASSAM
PIN-785621
6:THE ASSTT. DIRECTOR. FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
P.O.-GOLAGHAT
DIST- GOLAGHAT
ASSAM
PIN-785621
7:THE AREA OFFICER
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
P.O.-GOLAGHAT
DIST-GOLAGHAT
ASSAM
PIN-785621
8:SUPPLY INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT
GOLAGHAT
ASSAM

Advocate for : MR. A SARMA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 7 ORS . B

Linked Case : WA/96/2023

DIGANTA KR. SAIKIA @ DIGANTA SAIKIA
SON OF LATE UPEN SAIKIA
RESIDENT OF RANGBONG
P.O. NUMALIGARH
DISTRICT- GOLAGHAT
ASSAM. PIN- 785699.

VERSUS

THE STATE OF ASSAM AND 6 ORS. E

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
SACHIVALAYA
DISPUR
GUWAHATI- 6.

2:DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
GUWAHATI
DISTRICT-KAMRUP(M)
ASSAM.
PIN- 781005

3:DEPUTY COMMISSIONER
GOLAGHAT
P.O. GOLAGHAT

DISTRICT- GOLAGHAT
ASSAM.
PIN- 785621

4:ADDITIONAL DEPUTY COMMISSIONER (FCS AND CA)
GOLAGHAT
P.O. GOLAGHAT

DISTRICT- GOLAGHAT
ASSAM.
PIN- 785621.

5:DEPUTY DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT

P.O. GOLAGHAT

DISTRICT- GOLAGHAT
ASSAM.
PIN- 785621.

6:SUPERINTENDENT
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT

P.O. GOLAGHAT

DISTRICT- GOLAGHAT

ASSAM.
PIN- 785621
7:SUPPLY INSPECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT

P.O. GOLAGHAT

DISTRICT- GOLAGHAT
ASSAM.
PIN- 785621

Advocate for : MR. M DUTTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS. E

Linked Case : WA/115/2023

BIPIN SAIKIA AND ANR.
S/O. LT. PADMESWAR SAIKIA
R/O. NO.4 TORANI
MAZGAON
P.O. UJANI TORANI
DIST. GOLAGHAT
ASSAM
PIN-785631.

2: LOZAR KANDULANA
S/O. LT. SIMSON KANDULANA
R/O. SUKHANBIL
PO TELISHAL
PS MERAPANI

DIST. GOLAGHAT
PIN-785705.
VERSUS

THE STATE OF ASSAM AND 7 ORS. A
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
SACHIVALAYA
DISPUR
GUWAHATI-06.

2:DIRECTOR

FOOD

CIVIL SUPPLIES AND CONSUMER AFFAIRS

ASSAM

GUWAHATI

DIST. KAMRUP (M)

ASSAM

PIN-781005.

3:THE DEPUTY COMMISSIONER

GOLAGHAT

ASSAM

4:THE ASSISTANT DEPUTY COMMISSIONER

GOLAGHAT

ASSAM

5:THE ASSISTANT COMMISSIONER

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

6:THE ASSISTANT DIRECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

7:THE AREA OFFICER

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

8:THE SUPPLY INSPECTOR

FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS

GOLAGHAT

ASSAM

Advocate for : MR. A SARMA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 7 ORS. A

Linked Case : WA/118/2023

NUMOL THENGAL AND 2 ORS.

SON OF LATE KULAMONI THENGAL

RESIDENT OF NO. 2 UPPER TARANI

P.O. UJANI TORANI

P.S.- MERAPANI

DISTRICT- GOLAGHAT
ASSAM.

2: SMTI RITAMONI BORA
WIFE OF SRI NUMAL BORO

RESIDENT OF VILL. NO. 4 TORANI

P.O.- UJANI TORANI

P.S.- MERAPANI
DISTRICT- GOLAGHAT
ASSAM.

3: SRI CHENIRAM RAJKHUWA
SON OF SRI ANONDA RAJKHOWA
RESIDENT OF NO.1 UPPER TARANI
P.O.- UZAN TARANI
P.S.- MERAPANI
DISTRICT- GOLAGHAT ASSAM.

VERSUS

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

2:DIRECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM GUWAHATI- 05
KAMRUP(M) ASSAM.

3:THE DEPUTY COMMISSIONER
GOLAGHAT, ASSAM.

4:THE ASSISTANT DEPUTY COMMISSIONER
GOLAGHAT ASSAM.

5:THE ASSISTANT COMMISSIONER
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT ASSAM.

6:THE ASSISTANT DIRECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT ASSAM.

7:THE AREA OFFICER
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT ASSAM.

8:THE SUPPLY INSPECTOR
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
GOLAGHAT ASSAM.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

For the Appellant(s) : Dr. R.C. Borpatra Gohain, Sr. Advocate,
assisted by Mrs. S. Borpatra Gohain,
Advocate in W.A. No.51/2023.
: Ms. D. Borgohain and Ms. K. Boruah,
Advocates in W.A. No.44/2023; W.A.
No.91/2023 and W.A. No.92/2023.
: Mr. B. Kaushik, Mr. K. Kalita and Mr. L.
Sangtam, Advocates in W.A. No.95/2023;
W.A. No.100/2023; W.A. No.113/2023;
W.A. No.115/2023; W.A. No.118/2023 and
W.A. No.123/2023.
: Mr. M. Dutta, Advocate in W.A.
No.96/2023.
: Mr. B.J. Mukherjee, Advocate in W.A.
No.238/2023 and W.A. No.271/2023.
: Ms. R. Saha, Advocate in WA No.
283/2023 & WA No.315/2023

For the Respondent(s) : Ms. K. Phukan, Central Govt. Counsel.
Mr. R.K. Borah, Additional Senior Govt.
Advocate, Assam and Mr. N. Das, Junior
Government Advocate, Assam.

Date of Hearing : 31.08.2023 & 15.09.2023

Date of Judgment : 29.09.2023

JUDGMENT & ORDER

S. Mehta, C.J.

The instant bunch of intra-Court writ appeals, led by WA 51/2023, takes exception to the judgment and final order dated 22.12.2022 passed by the learned Single Judge rejecting a bunch of writ petitions, led by W.P.(C) 5470/2021 (*Bijoy Bora and Another vs. The State of Assam and others*), involving identical controversy and issues.

2. Heard learned counsel appearing for the parties and perused the material placed on record.

3. The appellants herein (writ petitioners) were granted licences for operating Fair Price Shops ('FPS' for short) in different districts of the State of Assam. Each licence holder (appellants herein) was having 50 or less than 50 ration cards attached to the respective FPS. A communication dated 30.05.2020 came to be issued by the Assistant Director, Food, Civil Supplies & Consumer Affairs Department, requiring the appellants/writ petitioners to attach their FPS to the nearest FPS having more than 50 ration cards tagged to it or to surrender their licences within three days of receiving such notice. Another Notification dated 07.08.2021 came to be issued by the Director, Food, Civil Supplies & Consumer Affairs, Department of Government of Assam, with the direction that

the ration cards of those FPS having 50 or less than 50 ration cards would be attached to the nearest FPS having more than 50 ration cards.

The appellants filed the above mentioned bunch of writ petitions for challenging the communication dated 30.05.2020 and the notification dated 07.08.2021 on numerous grounds amongst others which can be briefly enumerated hereinbelow:

i) that the implementation of the impugned communication/notification would lead to violation of the fundamental rights of the petitioners/writ appellants guaranteed by the Constitution of India. It would also be against the directive principles of State policy enshrined in Articles 38 and 39 of the Constitution of India.

ii) That there is no reasonableness in classification of FPS into two categories, one- having more than 50 ration cards and the other having less than 50 ration cards. The policy decision so taken is absolutely illegal and violative of the constitutional provisions guaranteeing the rights of the citizens under the chapter pertaining to the fundamental rights.

iii) That the State Government cannot unilaterally, in the name of policy decision, encroach upon the policy decision of the Central Government in making the One Nation One Ration Card (ONORC) applicable throughout the country. As per the appellant/writ petitioners, under the said scheme of the Central Government, there is no proposal to make a distinction/classification *qua* FPS on the basis of number of ration cards.

4. The respondents filed their affidavits-in-opposition to the writ petitions supporting the decision of the State to close down the FPS having 50 or less

than 50 ration cards. It is stated in the affidavit that as per the National Food Security Act, 2013, the State Government is primarily responsible to ensure supply of free/concessional food grains to the poor and needy beneficiaries and not for ensuring the financial gains/employment to the FPS dealers. The decision to close down the FPS having 50 or less than 50 ration cards and to tag the respective cardholders to the nearest FPS having more than 50 ration cards does not affect the beneficiaries in any manner. The decision aforesaid was sought to be justified on the ground that the same will minimise the total project cost for FPS automation. It was further stated in the affidavits that the policy decision has been formulated for ensuring smooth/uninterrupted food supply to the needy and entitled persons rather than having focused on employment generation. Thus, there is no obligation of the State to take a policy decision for protecting the interests of the FPS owners. The policy decision focused on minimising the total project cost for implementation of FPS automation which is necessary to introduce the ONORC in the larger public interest. It is further stated that the power to issue or revoke the licence exclusively vests in the Government and the order dated 30.06.2021 and notification dated 19.10.2021 were issued as a part and parcel of the State policy for smooth implementation of the National Food Security Act, 2013. It is also stated that while taking the impugned decision, the FPS having 50 or less than 50 ration cards tagged with them, the owners whereof are widows and specially-abled persons have been excluded from the operation of the scheme/policy. On these grounds, the submissions of the petitioners were controverted.

5. Dr. R.C. Borpatra Gohain, learned senior counsel assisted by Mrs. S. Borpatra Gohain, learned counsel leading the batch of appeals and learned

counsel Ms. D. Borgohain, Mr. B. Kaushik, Mr. M. Dutta and Mr. B.J. Mukherjee, representing the other appellants, vehemently and fervently contended that there is no logic, rational or legality behind the decision taken by the State Government in cancelling/revoking the licences of FPS dealers having 50 or less than 50 ration card holders tagged to them. It was vehemently contended that the decision so taken is wholly arbitrary, illegal and contrary to the constitutional scheme and framework and that the same is violative of the fundamental rights of the appellants/writ petitioners. Learned senior counsel further urged that the appellants/writ petitioners themselves are ready to purchase and install the e-PoS machines in their shops so as to reduce the project cost towards the National Food Security Act. It was further submitted that if the FPS of the petitioners are discontinued, the ration card holders attached to the shops will be seriously inconvenienced and would suffer grave difficulties in procuring the food grains.

Dr. Borpatra Gohain, learned senior counsel referred to Rule 15 of the Assam Public Distribution of Articles Order, 1982 (for short the 'Order of 1982') reproduced below and urged that the licence issued under the Order of 1982 to run and operate the FPS can only be cancelled on the conditions set out in the provision.

“15. (1) If any licensee or his agent or servant or any other person acting on his behalf contravenes any of the terms and conditions of the licence, then without prejudice to any other action that may taken under the Essential Commodities Act 1955 (Central Act 10 of 1955) his licence may be cancelled or suspended by any Order in writing of the Licensing Authority and an entry will be made in his licence relating to such suspension or cancellation.

(2) No order of cancellation shall be made under this Clause unless the

licensee has been given reasonable opportunity or stating his case against the proposed cancellation by but during the pendency or in contemplation of the proceedings of cancellation of the licence, the licence can be suspended for a period not exceeding 90 days without giving any opportunity to the licensee of stating his case.

3.(a) The licensee shall maintain daily stock register for the notified articles showing correctly:-

- (i) the opening stock on each day;*
- (ii) the quantities received on each day showing the place from where and the source from which received;*
- (iii) the quantities delivered or otherwise removed on each day showing the place of destination;*
- (iv) the closing stock on each day.*

EXPLANATION:-

- (a) The licensee may maintain more than one stock register for various notified articles. In case the purchased notified articles are not received physically by licensee on the date of entering into any transaction or sold notified articles are not removed physically, by the purchaser on the date of entering into any transaction, a note should be recovered in this behalf- in Stock Register.*
- (b) The licensee should complete the entries in the Stock Register for each day by the beginning of the transaction on the following day, unless prevented by reasonable cause, the burden of proving which shall be upon him."*

He contended that since there is not a whisper of an allegation that any of the licence holders, i.e. the appellants herein contravened the terms and

conditions irrespective of the licence or the conditions stipulated in clause 15 referred to (supra) and hence, the decision to cancel/non-renewal of the licences of the appellants/writ petitioners is absolutely arbitrary, illegal and unjustified. He further urged that as per the Notification dated 17.08.2015, issued by the Ministry of Consumer Affairs, Food and Public Distribution under the Food Security (Assistance to State Governments) Rules, 2015, the State Government has been given flexibility to choose the model for installation of point of sale ('POS' for short) device. Under clause 6(c) of the Rules, the FPS dealers have been given liberty to purchase, install and maintain the POS device. He urged that the entire expenditure of transportation of the food grains is to be borne by the Central Government and thus, the State Government does not stand to incur any extra expenditure on account of continued operation of the FPS licences granted to the appellants/writ petitioners. He urged that the FPS in question are the only source of livelihood of the appellants/writ petitioners and hence, the impugned decision whereby these licences are sought to be revoked/discontinued would tantamount to deprivation of opportunity to earn livelihood to the appellants herein merely on the irrational ground of number of attached ration cards and thus, the same is violative of the mandate of Articles 14 and 19 (1) (g) of the Constitution of India. Learned senior counsel, Dr. Borpatra Gohain also referred to sub-clauses 5 and 6 of clause 9 of the Targeted Public Distribution System (Control) Order, 2015 and urged that the impugned decision is violative of the said Control Order as well. On these grounds, Dr. Borpatra Gohain, learned senior counsel and other learned counsel representing the appellants implored the Court to accept the writ appeals and set aside the impugned orders passed by the learned Single Bench and so also the order dated 30.06.2021 and notification dated

19.10.2021 issued by the State Government.

6. *Per contra*, Ms. K. Phukan, learned Central Government Counsel, Mr. R.K. Borah, learned Additional Senior Government Advocate, Assam and Mr. N. Das, learned Junior Government Advocate, Assam vehemently and fervently opposed the submissions advanced by the appellants' counsel. They urged that the policy decision of the State Government to discontinue the FPS having 50 or less than 50 ration cards was arrived at after objective and thorough consideration of the National Food Security Act, 2013, the policies framed by the Central Government thereunder and the relevant Control Orders governing the field. Detailed statistics were collected and it was found that there was no viability to operate the FPS having 50 or less than 50 ration cards and the viability could be worked out only if the shops having 50 or less than 50 ration cards were tagged with the FPS having 51 or more ration cards. The policy decision to grant licences for running the FPS keeping in view the viability factor is exclusively within the domain of the State Government. It was submitted that the plea advanced by the appellants' counsel that the Central Government would be bearing the entire project cost towards transportation of food grains to the FPS and that the State Government would not incur the financial liability is misconceived because the financial burden of such schemes is ultimately borne by the tax payers and hence, which Government i.e. the Centre or the State would finally bear the extra burden is irrelevant for arriving at a just and prudent policy decision aimed at reducing the loss to the public exchequer. The respondents have demonstrated by referring to the statistical data that while taking the policy decision concerning implementation of the NFSA, 2013 and the rules framed thereunder, detailed deliberations were held and the criterion of transportation cost and the quantum of earnings by the FPS owners based on the number of

ration cards were discussed and ultimately the considered decision was taken not to renew the licences of those FPS dealers which had 50 or lesser ration cards tagged. It has been demonstrated in the additional affidavit filed by the Joint Secretary to the Government of Assam, Food, Civil Supplies and Consumer Affairs Department (Annexure-6) that there were as many as 930 FPS which had no ration card tagged and 581 FPS had only 1-24 ration cards. On these submissions, learned counsel for the respondents implored the Court to dismiss the writ appeal and affirm the impugned judgment of the learned Single Judge.

7. We have given our thoughtful consideration to the submissions advanced at Bar and have carefully gone through the impugned judgment; the impugned order dated 30.06.2021; the notification dated 19.10.2021 and the other material placed on record. At the outset, we may note that the decision not to renew the licences of the FPS dealers based on the number of ration card attached thereto is unquestionably a policy matter and the scope of interference by a Court exercising extra-ordinary writ jurisdiction into such a policy decision is extremely limited. Law is well settled that unless the policy decision taken by the State can be demonstrated as being absolutely arbitrary, *malafide* and contrary to the Constitutional provisions, there would hardly be any scope for interference in such policy decision in exercise of the power of judicial review under Article 226 of the Constitution of India. Reference in this regard may be made to the decision of the Hon'ble Supreme Court in the case of ***M.P. Oil Extraction and another vs. State of Madhya Pradesh and others***, reported in ***AIR 1998 SC 145***. Keeping in view said principle, we now proceed to consider the submissions of the learned counsel appearing for the parties.

8. At the outset, it may be stated that the licences to run the FPS had been

issued to the appellants/writ petitioners under the Assam Public Distribution of Articles Order, 1982. The licences are issued for a fixed period which can be renewed further. Under clause 3 of the Control Order, 1982, the licensing authority is empowered to issue a licence in Form-I to the appointed dealer as may be considered necessary from time to time. The application for renewal of licence is to be filed in Proforma- B under Clause 2(j) of the Order of 1982. Hence, it is clear that the licence once granted is not perpetual and is subject to renewal by the competent authority. There cannot be two views on the aspect that the licensing authority cannot be compelled to extend the licence once granted at any cost. The licence holder can also not claim an indefeasible right to have the licence renewed because recognising such a right would set at naught the power of licence renewal conferred upon the authority by the Order of 1982. The appellants/writ petitioners have themselves stated in the writ petitions that their licences were valid up to 31.03.2022 and have not been renewed any further. The licensing authority has been given a discretion to be exercised within the four corners of law for extension of licences granted to the FPS dealers.

The State Government having taken a well-reasoned and objective policy decision not to continue with the FPS having 50 or less than 50 ration cards tagged to them, it is apparent that the petitioners would not be entitled to claim renewal of licences issued to them by the competent authority. Thus, it is not a case wherein the licences earlier issued to the petitioners have been cancelled by taking recourse to the provisions contained in clause 15 of the Order of 1982 but on the contrary, it is a clear situation of non-renewal of licences in view of the policy decision adopted by of the State Government after objective consideration of the National Food Security Act and the relevant statistical data and the logistic factors

by keeping in mind the best interest of the consumers, the ONORC scheme and the possibility of loss to public exchequer by continued operation of non-viable FPS.

9. Having gone through the impugned judgment rendered by learned Single Judge, we find that the Writ Court has duly adverted to the prevailing facts, circumstances and statutory provisions referred to (*supra*) and arrived at a just, apropos and only permissible view that the State Government as the policy making authority has the jurisdiction and authority to frame a policy for proper implementation of the National Food Security Act, 2013. The decision to discontinue the FPS having 50 or less than 50 ration cards is a part and parcel of the policy decision so taken vide order dated 30.06.2021 and notification dated 19.10.2021 and such decision cannot be held to be violative of any of the clauses of the Assam Public Distribution of Articles Order, 1982 or the Targeted Public Distribution System (Control) Order, 2015 so as to call for interference in exercise of the writ appellate jurisdiction.

10. As per the additional affidavit dated 20.04.2022 filed by the Joint Secretary to the Government of Assam, Food, Civil Supplies and Consumer Affairs Department (Annexure-6) before taking the policy decision, review was made of the various FPS dealers and it was found that there are as many as 930 FPS having no ration card tagged and 581 FPS are having 1-24 ration cards tagged. It cannot be conceived as to how a FPS with no ration card tagged to it would be a viable business so as to warrant renewal of the licence thereof. It is beyond comprehension of this Court as to how and why these FPS are being allowed to continue. We are thus of the considered view that the policy decision taken by the State Government to discontinue/not to renew the licences of the FPS having 50 or less than 50 ration cards tagged thereto while excluding the widows and the specially-abled persons, was taken with the highest degree of objectivity. The

foundation of the said decision is to reduce the logistic complications and the cost factors involved in transportation of food grains to such FPS, where the number of consumers is extremely low. In addition thereto, there is the important factor in play regarding the feasibility of earnings of the FPS dealers with such a minuscule number of ration cards tagged to them.

11. We further find that while taking the policy decision, the Cabinet has given due regard to the specially-abled persons and widows whose licences have been left out from the operation of the policy decision taken vide order dated 30.06.2021 and notification dated 19.10.2021. The learned Single Judge has already directed the State Government to renew the licences of the petitioners belonging to these two categories. Thus, the decision of the State Government apart from being within the constitutional framework is also just and logical and has been taken after considering the hardships likely to be faced by the widows and differently-abled persons. The other appellants being able-bodied persons cannot claim the same privilege.

12. The impugned judgment dated 22.12.2022 as rendered by the learned Single Judge does not suffer from any infirmity warranting interference. The writ appeals thus fail and are dismissed being devoid of merit.

No order as to cost.

JUDGE

CHIEF JUSTICE

Comparing Assistant