

GAHC010077192025



2025:GAU-AS:5260

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

**Case No. : WP(C)/2215/2025**

SRI BISHNU DAYAL SAHU  
S/O LATE KHEDRAU SAHU  
RESIDENT OF VILLAGE - MONABARI KOLLOBASTI, P.O MONABARI, P.S  
GINGIA, DISTRICT - BISWANATH, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, DEPARTMENT OF FOOD, CIVIL SUPPLIES AND  
CONSUMER AFFAIRS, DISPUR, GUWAHATI-6

2:THE DEPUTY COMMISSIONER  
BISWANATH DISTRICT  
BISWANATH CHARIALI  
ASSAM.

3:THE DIRECTOR OF FOOD AND CIVIL SUPPLIES AND CONSUMER  
AFFAIRS  
GOVERNMENT OF ASSAM  
GUWAHATI.

4:THE ASSISTANT DIRECTOR  
FOOD  
PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS  
BISWANATH  
ASSAM.

5:SRI LOKNATH KAUL  
S/O LATE DOLBIR KAUL  
RESIDENT OF VILLAGE- MONABARI KOLLOBASTI  
P.O MONABARI

P.S GINGIA  
DISTRICT - BISWANATH  
ASSAM

**Advocate for the Petitioner** : MR B D DAS, MRS R DEKA, MR J LOTHAN, MR. H R DAS

**Advocate for the Respondent** : GA, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**30.04.2025**

Heard Mr. B.D. Das, learned Sr. Counsel for the petitioner assisted by Mr. H.K. Das. Mr. G. Bokalia, learned counsel appears on behalf of the respondent Nos.1-4. No one appears for the respondent No.5.

2. On considering the issue raised in this writ petition, this Court is of the view that the writ petition can be disposed of at the motion stage itself.

3. The petitioner is aggrieved with the impugned order dated 23.09.2024 issued by the Assistant Director, FPD & CA, Biswanath, on the ground that the petitioner was not served any notice in terms of the order dated 27.06.2024 passed by this Court in WP(C) No.3343/2024, prior to issuance of the impugned order dated 23.09.2024.

4. The petitioner herein had approached this Court earlier, vide WP(C) No.3343/2024, against the order dated 26.04.2024 issued by the respondent No.4, by which the cancellation of the petitioner's PDS licence vide cancellation order dated 10.11.2015 had not been interfered with.

5. The petitioner's grievance in WP(C) No.3343/2024 was that the order dated 26.04.2024 was cryptic and had not taken into consideration the various issues raised by the petitioner in his reply to the show cause notice dated 28.10.2022. WP(C) No.3343/2024 was disposed of vide order dated 27.06.2024, by directing the respondent No.4 to issue a fresh show cause notice to the petitioner along with field verification report and any other inquiry reports, on the basis of which the petitioner's PDS licence had been cancelled. Thereafter, the respondent No. 4 was to pass a reasoned order. Consequently, the order dated 26.04.2024 issued by the respondent No.4 had been set aside in WP(C) No.3343/2024.

6. The petitioner has approached this Court again by way of the present writ petition, challenging the impugned order dated 23.09.2024 issued by the respondent No.4, which has apparently been issued pursuant to the order dated 27.06.2024 passed in WP(C) No.3343/2024.

7. The petitioner's counsel submits that a perusal of the impugned order dated 23.09.2024, would go to show that the cancellation of the petitioner's PDS licence vide the earlier order/letter dated 10.11.2025, has been sustained, on the ground that the fresh show cause notice that was sent to the petitioner, could not be served upon the petitioner, as the petitioner's door was locked all the time. As such, the respondent No.4 held that it appeared that the petitioner had intentionally locked his door to avoid receiving any correspondence from the respondent No.4.

8. The petitioner's counsel submits that the petitioner never intended to avoid receiving any communication from the respondent No.4 and in fact, the

petitioner had submitted representations dated 12.07.2024, 19.09.2024 and 15.10.2024, requesting the authorities to supply to the petitioner the field verification report and other enquiry reports, to enable the petitioner to make a proper reply. He also submits that the said documents were given to the petitioner on 30.11.2024, pursuant to an RTI application and as such, the reason for stating that the petitioner's house was always locked due to which the show cause notice could not be served, as reflected in the impugned order dated 23.09.2024, was a wrong statement on facts.

9. On considering the fact that the impugned order dated 23.09.2024 has been made without hearing the petitioner, due to the stand of the respondents that the petitioner could not be served the show cause notice in terms of the order dated 27.06.2024 passed in WP(C) No.3343/2024, this Court is of the view that the date of hearing with regard to the cancellation of the petitioner's PDS licence should be made by this Court, so as to enable the petitioner to give his side of the story.

10. Accordingly, with the consent of Mr. B.D. Das, learned Sr. Counsel for the petitioner and Mr. G. Bokalia, learned counsel for the respondent Nos.1-4, 20.05.2025 at 12:00 p.m. is fixed as the date and time on which the petitioner shall be heard by the Assistant Director, FPD & CA, Biswanath, pursuant to the order dated 27.06.2024 passed in WP(C) No.3343/2024. Consequently, the impugned order dated 23.09.2024 is set aside. It is also made clear that the Assistant Director, FPD & CA, Biswanath shall also give an opportunity of hearing to the respondent No.5 on 20.05.2025 at 12:00 noon, prior to taking a decision on the issue. The decision should be taken by the concerned Assistant Director, within a period of 3(three) weeks from the date of hearing the petitioner and

the respondent No.5.

11. The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**