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

Case No. : WA/26/2026

1.NAZRUL ISLAM AND 20 ORS
ASSAM

2: TASMIN SULTANA
W/O RABBUL HUDA VILL. SAGUNBAHI P.O. SAGUNBAHI P.S. MOIRABARI
DIST. MORIGAON ASSAM PIN 782126

3: SAIFUL ISLAM
S/O LATE SURUJ ALI VILL. LOCHANABORI P.O. LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126

4: BAHARUL ISLAM
S/O ASRAB ALI VILL. LENGRIBORI P.O. SAHARIAGAON P.S. MOIRABARI
DIST. MORIGAON ASSAM PIN 782126

5: MAZIBUR HOQUE
S/O LT. HAFIZ UDDIN VILL. GUNAIGURI P.O. LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126

6: MD. MAMUNUR RASHID
S/O LT. ABDUL KHALEQUE VILL. SAHARIAGAON P.O. SAHARIAGAON
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126

7: MD. NURUDDIN
S/O LT. SAMSUDDIN VILL. GUNAIBORI P.O. LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126

8: REBBUL ISLAM
S/O NURUL ISLAM VILL. URALKATA P.O. SAHARIAGAON
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126

9: FAKARUDDIN
S/O LT. ABDUL HAMID VILL. SAHARIAPAM P.O. SAHARIAGAON
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126

- 10: AFAZ UDDIN KHAN
S/O ABDUL RASHID KAHN VILL. GUNAIBORI P.O. LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 11: MD. ABDUL HAKIM
S/O LATE SAMAR ALI VILL. LOCHANABORI P.O. LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 12: SADDAM HUSSAIN
S/O MAINUL HOQUE VILL. SAHARIAPAM P.O. SAHARIAPAM
P.S.MOIRABARI DIST. MORIGAON ASSAM.
- 13: MD. ISRAFIL ALI
S/O HASEN ALI VILL. LENGRIBORI P.O. SAHARIAGAON P.S. MOIRABARI
DIST. MORIGAON ASSAM PIN 782126
- 14: MD. RUHUL AMIN
S/O LT. ABDUL RASHIM VILL. URALKATA P.O. SAHARIAGAON
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 15: ABDUL MANNAN
S/O LT. IBRAHIM ALI VILL. LOCHANABARI P.O. LOCHANABORI
P.S. MOIRABRI DIST. MORIGAON ASSAM PIN 782126
- 16: DILUWAR HUSSAIN
S/O ABDUL KARIM VILL LOCHANABORI P.O. LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 17: WAHIDA KHATUN
D/O LT. ABDUL AJIT VILL. UDKATI P.O. DEWAGURI P.S. LAHARIGHAT
DIST. MORIGAON ASSAM PIN 782126
- 18: MD. MAINUL HAQUE
S/O LT. ABDUL HAI VILL. BELUBORI P.O.LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 19: JESMIN NAHAR
W/O LATE ABDUL BATEN VILL. URULKATA P.O. SAHARIAGAON
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 20: IMAN ALI
S/O LT. SAFAR UDDIN VIL. CHAHARIPAM P.O. SHARIAGAON
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 782126
- 21: AYOB ALI
S/O LT. TOMIR UDDIN VILL. SAHARIAPAM P.O.LOCHANABORI
P.S. MOIRABARI DIST. MORIGAON ASSAM PIN 78212

VERSUS

1.THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA MINISTRY
OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION,
DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION, DELHI.

2:THE STATE OF ASSAM
THROUGH THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM CO
OPERATIVE DEPTT. DISPUR GUWAHATI 06

3:THE REGISTRAR OF CO OPERATIVE SOCIETIES
ASSAM KHANAPARA GHY 28

4:THE DIST. DEPUTY REGISTRAR OF CO OPERATIVE SOCIETIES
MORIGAON P.O. P.S. AND DIST. MORIGAON.

5:THE ASSTT. REGISTRAR OF COOPERATIVE SOCIETIES
P.O. P.S. AND DIST. MORIGAON.

6:THE DIST. COMMISSIONER MORIGAON
P.O. AND DIST. MORIGAON ASSAM PIN 784125

7:DIRECTOR OF FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS MORIGAON.

8:THE AREA MANAGER / ASSISTANT DIST. MANAGER
FCI NAGAON.

9:THE MOIRABARI GAON PANCHAYAT SAMABAI SAMMITTEE LTD.
REPRESENTED BY ITS SECY.
VILL. MOIRABARI P.O. MOIRABARI P.S.MOIRABARI
DIST. MORIGAON ASSAM

For the Appellant(s) : Mr. M.H. Ahmed, Advocate.

For the Respondent(s) : Ms. N.N. Sarma, Advocate on behalf of Mr. K. Gogoi,
Central Government Counsel for respondent No.1.

: Mr. G. Bordoloi, Standing Counsel, Co-operation
Department for respondent Nos.2 to 5.

: Ms. S. Sharma, Government Advocate, Assam for
respondent Nos.6 & 7.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

11.02.2026

(Ashutosh Kumar, CJ)

We have heard Mr. M.H. Ahmed, learned Advocate for the appellants; Ms. N.N. Sarma, learned Advocate for respondent No.1; Mr. G. Bordoloi, learned Standing Counsel, Co-operation Department for respondent Nos.2 to 5 and Ms. S. Sarma, learned Government Advocate, Assam for respondent Nos.6 & 7.

2. The appellants herein are the Fair Price Shop Dealers, who had hitherto been operating under the Lochanabori Gaon Panchayat Samabai Sammittee Limited (in short, 'Lochanabori GPSS') in Morigaon district, Assam, as Public Distribution System (PDS) dealers. They are responsible for distributing essential commodities/foodgrains under various Government Schemes, including Priority Household Programmes as part of India's Public Distribution System governed by the Essential Commodities Act, 1955; the National Food Security Act, 2013 and the Targeted Public Distribution (Control) Order, 2015 [In short, Order of 2015].

3. Under the licences, the appellants had been lifting foodgrains from Lochanabori GPSS, which actually procured the grains from the Food Corporation of India (FCI) godowns.

4. For the reason of many reported malpractices by the afore-noted Sammiti/ intermediary, a temporary arrangement was made in the

Supply Department, attaching Lochanabori GPSS with Moirabari Gaon Panchayat Samabai Sammittee (in short, 'Moirabari GPSS').

5. Complaints kept pouring even then with respect to the functioning of Moirabari GPSS.

6. In order to redress this, a decision was taken by the District Commissioner, Morigaon, sometimes in March, 2024, allowing the appellants/Fair Price Shop Dealers to lift the PDS items directly from the FCI godown in Nagaon.

7. The contention of the appellants is that this system worked smoothly without any complaints. In fact, the appellants had made an arrangement of authorizing one of them to handle the collection on behalf of others, which decision was endorsed by the Assistant Director of Food, Public Distribution and Consumer Affairs.

8. As noted above and reiterated by the appellants, there had been no complaint of the consumers as well with this arrangement.

9. The grievance of the appellants is that despite the smooth functioning of direct lifting of the foodgrains by the appellants to be distributed to the beneficiaries, the District Commissioner, in October, 2025, issued an indent allocating the December, 2025 quota of rice under Governmental programmes to the Lochanabori GPSS, whose licence was cancelled but it was attached to the Moirabari GPSS for the purposes of lifting and distributing the items to the Fair Price Shop Dealers/appellants.

10. The appellants claim that the system of direct lifting which had

been started in the case of the appellants, had the sanction of a Government order of 20.03.2015 issued by the Department of Food and Public Distribution.

11. The appellants contend that under the afore-noted order, it is upon the State Government to devise suitable mechanism for transportation of foodgrains from the Corporation godowns to the intermediate godowns and the door-step delivery of foodgrains directly to the Fair Price Shop.

12. It has also been provided in the same order that the State Government may also transport foodgrains directly to the Fair Price Shop Dealers from the Corporation godowns and ensure its door-step delivery to the Fair Price Shops.

It has, thus, been urged that when this system of direct lifting from the FCI godown had been working seamlessly, there was no reason for changing this mode and asking the appellants to lift foodgrains from a Sammiti/intermediary godown.

13. The claim of the appellants was rejected by the learned Single Judge on the reasoning that under the Targeted Public Distribution System (Control) Order, 2015, the primary module is for permitting the Dealers/appellants to lift foodgrains from an intermediary godown and not directly from the FCI godown, which could also be permitted in cases of extreme urgency or when situation so demanded.

14. The Fair Price Shop Dealers, according to the learned Single Judge, could not have insisted for one particular module, which, in this case was only a temporary arrangement for continuous complaints with

regard to the functioning of the intermediary Sammitis.

15. Clause 2(g) of the Targeted Public Distribution System (Control) Order, 2015 contains the definition of “authorized agency”, which means the concerned Department of the State Government or a body corporate or a company owned by it or a co-operative.

Clause 7(1) of the Order of 2015, referred to above, clearly spells out that the State Government would lift the foodgrains from the designated depots of the Corporation through its various agencies.

16. This being the accepted module, with a change only at the option of the State Government, the appellants cannot claim as a matter of right to lift the foodgrains directly from the FCI godowns.

17. No special case has been made out by the appellants for our interference with the opinion delivered by the learned Single Judge.

18. As there is no merit in this appeal, the same is dismissed. However, there would be no order as to costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant