

GAHC010006952022



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

Case No. : WP(C)/373/2022

HASANUR ZAMAN AND 2 ORS
S/O- BZLUL BASIT, R/O- VILLAGE CHALASHERSHOW, P.O- B.K
SHERSHOW, DIST- DHUBRI, ASSAM ,PIN-783330

2: MARFAT ALI
S/O- ABU BAKKAR SIDDIQUE

R/O- VILLAGE BASHMUA (B.K. SHERSHOW)

P.O- B.K. SHERSHOW
DIST- DHUBRI
ASSAM

PIN-783330

3: FOTIK ALI
S/O- LATE NASHER ALIT
R/O- VILLAGE CHATLARAPA
HAJIPARA P.O- BAUSKATA
DIST- DHUBRI
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, FOOD AND CIVIL
SUPPLIES AND CONSUMER AFFAIRS, DEPARTMENT, DISPUR, GUWAHATI-
06

2:THE DIRECTOR
OF FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
BHANGAGARH

GUWAHATI-05

3:THE DEPUTY COMMISSIONER
DHUBRI
DIST- DHUBRI
ASSAM
PIN-783301

4:THE DEPUTY DIRECTOR
FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS
DHUBRI
ASSAM
PIN-783301

5:THE ASSISTANT REGISTRAR
OF COOPERATIVE SOCIETIES
HATSINGIMARI
DIST- SOUTH SALMARA
MANKACHAR
ASSAM
PIN-783301

6:THE BAUSKATA RAVATARY SS LTD.
REP. BY ITS CHAIRMAN
P.O- RAVATARY DISTRICT- DHUBRI
ASSAM
PIN-78312

Advocate for the Petitioner : MR. B RAHMAN,

Advocate for the Respondent : SC, CO OP, MR R DHAR (R-6),GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 05.01.2026

Heard Mr. B. Rahman, learned counsel for the petitioners. Also heard Mr. G. Bokolial, learned State Counsel for the respondent Nos. 1 to 4, and Mr. G. Bordoloi, learned counsel for the respondent No. 5.

2. By filing this writ petition, the petitioners have prayed for a direction to the respondent authorities to issue Fair Price Shop licences in their favour in terms of the proposal submitted by the Bauskata Ravatary SS Limited and as approved by the Assistant Registrar of Co-operative Societies, Hatsingimari.

3. Having considered the simple nature of prayer made in this writ petition and as agreed to by learned counsel for the parties, this writ petition is taken up for disposal at the Admission stage.

4. It is the case of the petitioners that on the request of consumers belonging to river eroded backward areas, Bauskata Ravatary SS Limited, in its executive meeting held on 03.09.2021, adopted a resolution for creation of new Fair Price Shops in the name of the petitioners. Pursuant thereto, the Secretary of the Society, vide letter dated 08.09.2021, forwarded the said resolution of the executive meeting to the Assistant Registrar of Co-operative Societies, Hatsingimari, for approval and accordingly, the Assistant Registrar of Co-operative Societies approved the same on 15.09.2021. It is projected that the cardholders/consumers under the new proposed Fair Price Shops would be at least 800 consumers of 140 cardholders in respect of the petitioner No. 1 and 850 consumers of 150 cardholders family and 750 consumers of 120 card holders. The creation of such new Fair Price Shops is indispensable for the welfare of the cardholders/consumers of the river eroded backward area.

5. Mr. B. Rahman, learned counsel for the petitioners, submits that despite approval by the Assistant Registrar of Co-operative Societies, Hatsingimari, the

respondent Nos. 3 & 4, namely, the Deputy Commissioner, Dhubri District and the Deputy Director of Food and Civil Supplies and Consumer Affairs, Dhubri, have not initiated any action for issuance of Fair Price Shop licences to the petitioners for which the petitioners as well as the consumers in general are suffering. Therefore, he prays for a direction to the respondent Nos. 3 & 4 to consider the case of the petitioners and to issue Fair Price Shop licences to the petitioners in terms of the proposal of the Bauskata Ravatary SS Limited dated 03.09.2021 and its approval by the Assistant Registrar of Co-operative Societies, Hatsingimari on 15.09.2021.

6. Mr. G. Bokolial, learned State Counsel, fairly submits that since the proposal for creation of Fair Price Shops for the consumers of river eroded backward areas of Bauskata Ravatary SS Limited has already been approved by the Assistant Registrar of Co-operative Societies, Hatsingimari, appropriate direction may be issued to the respondent authorities, particularly respondent Nos. 3 & 4, to consider the case of the petitioners.

7. Having considered that the Bauskata Ravatary SS Limited, on the request of the consumers of river eroded backward areas, adopted a resolution for creation of a new Fair Price Shops in the name of the petitioners, which has been duly approved by the Assistant Registrar of Co-operative Societies, and considering that such Fair Price Shops appears to be required for the benefit of the consumers of the said river eroded backward areas, I am of the considered view that the inaction on the part of the respondent authorities in considering the case of the petitioners for issuance of Fair Price Shop licences would not be in the interest of the public service. Thus, it would be appropriate to direct the

respondent authorities to consider the case of the petitioners for issuance of Fair Price Shop licences in terms of the resolution dated 03.09.2021 of Bauskata Ravatary SS Limited and its approval by the concerned Assistant Registrar of Co-operative Societies on 15.09.2021 so as to serve the public interest, particularly to the consumers of river eroded backward areas.

8. Accordingly, the respondents authorities, particularly the respondent Nos. 3 & 4, namely, the Deputy Commissioner, Dhubri District and the Deputy Director of Food and Civil Supplies and Consumer Affairs, Dhubri, are hereby directed to consider the case of the petitioners for issuance of Fair Price Shop licences in terms of the resolution dated 03.09.2021 adopted by Bauskata Ravatary SS Limited and its approval dated 15.09.2021 by the Assistant Registrar of Co-operative Societies, Hatsingimari, within a period of 2 (two) months from today, in accordance with the applicable rules.

9. Needless to observe that in the event the petitioners are found not entitled for issuance of Fair Price Shop licences as proposed and approved, the same shall be conveyed to them by passing a reasoned order.

10. Writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant