

GAHC010093692022



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

Case No. : WP(C)/3515/2022

MD. ALKAS ALI SHEIKH
SON OF LATE ASAR ALI SHEIKH, RESIDENT OF VILL- MOKRAPARA, P.O.-
K/BHOTGAON, P.S.- KOKRAJHAR, DIST.- KOKRAJHAR, ASSAM, PIN-
783370.

VERSUS

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

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY ITS PRINCIPAL SECRETARY
KOKRAJHAR (BTC)
ASSAM
PIN- 783370.

3:THE DEPUTY COMMISSIONER
KOKRAJHAR
ASSAM
PIN- 783310.

4:JOINT DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
KOKRAJHAR
MUSHALPUR
JD ROAD
ASSAM
PIN- 781377.

5:M/S BHOTGAON SAMANBAY SAMITI LTD.
REPRESENTED BY ITS SECRETARY
BHOTGAON
PIN- 783370.

6:INSPECTOR OF POLICE
OFFICER-IN-CHARGE KOKRAJHAR POLICE STATION
KOKRAJHAR
ASSAM
PIN- 783370

Advocate for the Petitioner : DR G J SHARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

30.05.2022

Heard Dr. GJ Sharma, learned counsel for the petitioner, who is aggrieved by the inaction of the respondent authorities to renew the Fair Price Shop Licence No. KSM.35/95/46, dated 28.06.2012.

It is the case of the petitioner that based upon lodging of an FIR against the petitioner by an incumbent, namely, Abdul Karim Paramanik, the Fair Price Shop Licence of the petitioner was suspended and a show cause notice dated 23.04.2018 was issued. Subsequently, vide an order dated 08.05.2018, the suspension was revoked and the proceeding culminated in an order of 'warning'. Though there is no specific challenge in this writ petition against the said action, the petitioner is aggrieved by a non-renewal of his licence as indicated above. The petitioner further contended that even during the subsistence of his licence, certain commodities as well as consumers were tagged to other Fair Price Shop thereby causing prejudice to him in running his business.

Issue Notice, returnable by 6 weeks.

Ms. M Barman, learned State Counsel, Assam accepts notice on behalf of the respondent nos. 1, 3 and 6 whereas Ms. RB Bora, learned Standing Counsel, BTC accepts notice on behalf of the respondent nos. 2 and 4.

Extra copies of the writ petition along with its annexures be served on the learned counsel for the respondents by tomorrow.

Steps for service of notice upon the respondent no. 5 be taken by registered post with A/D within 2 days.

The learned counsel for the petitioner is permitted to give the detail address of the respondent no. 5 by hand.

JUDGE

Comparing Assistant