

GAHC010122582024



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

Case No. : WA/212/2024

KRISHNA BALA ADHIKARY
W/O ANANDA ADHIKARY,
RESIDENT OF VILL- GHARIALDANGA PT.II, PO-MAHAMAYAHAT, PS-
GOLOKGANJ, DIST. DHUBRI, ASSAM, PIN-783335

VERSUS

PRODIP KUMAR BISWAS AND 7 ORS
S/O HARENDRA NATH BISWAS, RESIDENT OF VILL- GHARIALDANGA
PT.II, PO-MAHAMAYAHAT, PS-GOLOKGANJ, DIST. DHUBRI, ASSAM, PIN-
783335

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
CO-OPERATION DEPARTMENT
DISPUR
GUWAHATI-6

3:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
KHANAPARA
ASSAM
GUWAHATI-22

4:THE DISTRICT COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM

5:THE DEPUTY DIRECTOR
FOOD AND CIVIL SUPPLIES
DHUBRI

DIST. DHUBRI
ASSAM

6:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
DHUBRI
DIST. DHUBRI
ASSAM

7:THE HALAKURA S.S. LTD.
REPRESENTED BY ITS CHAIRMAN
VILL-HALAKURA
PO-MAHAMAYAGHAT
DIST. DHUBRI
ASSAM
PIN-78333

For the appellant/petitioner(s) : Mr. R. Islam, Advocate

For the Respondent(s) : Mr. D. Nath, Sr. GA, Assam
Mr. M. I. Hussain, Advocate
Mr. G. Bordoloi, SC, Co-operation
Deptt.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

20.01.2026

(Ashutosh Kumar, CJ)

The grant of licence to the appellant to run Fair Price Shop under the Public Distribution System was stayed by the impugned judgment dated 16.05.2024 and the matter has been remanded to the authorities to decide afresh.

During the course of arguments, it was found that there was no procedure prescribed under the Assam Public Distribution of Articles

(APDA) Order, 1982 for grant of licence, which could have otherwise led to arbitrary decisions by the authorities.

This Court enquired whether any rule exists with respect to grant of licence for running Fair Price Shop under the Public Distribution System.

Mr. D. Nath, learned Senior Government Advocate, Assam, submits that formulation of Rules is under way, but, in the interregnum, an Executive Order dated 09.12.2025 has been issued delineating the process and the eligibility conditions for grant of licence under the Public Distribution System.

In that view of the matter, we do not wish to interfere with the impugned judgment passed by the learned Single Judge remanding the matter to the authorities, but we only clarify that the authorities in question shall clearly decide as to who should be given the licence, which decision shall be in accord with the Executive Order dated 19.12.2025.

The decision in that regard must be taken, if not already taken, within a further period of four weeks, by a speaking order.

This appeal stands disposed of accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant