

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

1.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(s) : Mr. R. Islam, Advocate.
For the Respondent(s) : Mr. M.I. Hussain, Advocate for respondent No.1.
: Mr. G. Bordoloi, Standing Counsel, Co-operation
Department for respondent Nos.2, 3 & 6.
: Mr. D. Nath, Senior Government Advocate, Assam for
respondent Nos.4 & 5.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

24.02.2025

(Vijay Bishnoi, CJ)

This writ appeal is preferred on behalf of the appellant being aggrieved with the order dated 16.05.2024 passed by the learned Single Judge in WP(C) No.1146/2018.

In the impugned order, the learned Single Judge has recorded a finding that no prescribed procedure is laid down under Assam Public Distribution of Articles Order, 1982 disclosing the manner in which the selection is to be made for appointing a licensee to run a Fair Price Shop where more than one applications are received.

It is very strange that no prescribed procedure is available for the purpose of appointing a licensee to run a Fair Price Shop.

We are of the view that in the absence of any such procedure, it may lead to arbitrariness and bias on the part of the authorities who is competent to issue such licences.

Mr. D. Nath, learned Senior Government Advocate, Assam appearing for the State is directed to take instructions on this aspect of the matter. If no such

procedure is provided for allotting licence, the State Government shall formulate a procedure and place it before this Court within a period of 4(four) weeks.

List this matter after 6(six) weeks.

Interim order dated 17.07.2024 passed by this Court is extended till the next date of listing.

JUDGE

CHIEF JUSTICE

Comparing Assistant