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

Case No. : WA/248/2025

KAFILUDDIN @ KABILUDDIN @ KAPILUDDIN
S/O. LT. ABDUL KARIM, R/O. VILL.- SUTIRPAR, P/O. AND P.S. JURIA, DIST.
NAGAON, ASSAM, PIN-782124.

VERSUS

1.THE STATE OF ASSAM AND 3 ORS.
TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, FOOD, PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS
DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER NAGAON
FOOD PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS BRANCH
NAGAON ASSAM PIN-782001

3:THE ADDITIONAL DISTRICT COMMISSIONER NAGAON
FOOD PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS BRANCH
NAGAON ASSAM PIN-782001.

4:THE SECRETARY OF M/S LETERIPAR GPSS LTD.
FURHANI ATI BARALIMARI JURI DIST. NAGAON
ASSAM PIN-782124

Linked Case : WP(C)/6038/2025

MD KAFILUDDIN @ KABILUDDIN @ KAPILUDDIN
SON OF LATE ABDUL KARIM
R/O VILL- SUTIRPAR P.O. AND P.S. JURIA
DISTRICT-NAGAON ASSAM PIN- 782124

VERSUS

1.THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT

OF ASSAM FOOD PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS
DEPARTMENT DISPUR GUWAHATI-781006

2:THE DISTRICT COMMISSIONERNAGAON
(FOOD PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS BRANCH)
NAGAON ASSAM PIN- 782001

3:THE ADDITIONAL DISTRICT COMMISSIONERNAGAON
(FOOD) PUBLIC DISTRIBUTION AND CONSUMER AFFAIRS BRANCH)
NAGAON ASSAM PIN- 782001

4:THE SECRETARY OF M/S LETERIPAR GPSS LTD
FURHANI ATI BARALIMARI JURIA DIST.- NAGAON
ASSAM PIN- 782124

For the Appellant(s)/Petitioner(s) : Mr. S. Ahmed, Advocate.
: Mr. D. Ullah, Advocate.

For the Respondent(s) : Mr. P. Saikia, Government Advocate, Assam.
: Ms. R. Barua, Advocate.
: Ms. P. Barua, Advocate.

- B E F O R E -

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

15.12.2025

(Ashutosh Kumar, CJ)

Both the cases have been taken up together.

We have heard Mr. S. Ahmed, learned Advocate for the appellant/petitioner and Mr. P. Saikia, learned Government Advocate, Assam.

The appellant in WA No.248/2025 has challenged the impugned order dated 27.06.2025 passed in WP(C) No.3705/2025, whereby a learned Single Judge of this Court has refused to interfere with the cancellation of the licence of the appellant/petitioner to run his PDS

shop on account of his having been convicted in a criminal case.

The learned counsel for the appellant submits that though the cancellation of the licence of the petitioner was because of his conviction in a minor offence case but the sentence imposed against him had been suspended. It has further been contended that the learned Single Judge did not take into account, whether statutorily or otherwise, before taking away his licence, he ought to have been heard.

The contentions raised on behalf of the appellant/petitioner were opposed before the learned Single Judge by the State by only referring to Clause 17 of the Assam Public Distribution of Articles Order, 1982 (in short, Order of 1982), made in exercise of power conferred under Section 3 of the Essential Commodities Act, 1955 (in short, Act of 1955).

Clause 17 of the Order of 1982 clearly says that when a licensee has been convicted by a Court of law or there has been contravention of any order made under Section 3 of the Essential Commodities Act (Central Act 10 of 1955), the Licensing Authority shall, by order in writing, cancel his licence without giving the licensee any opportunity of stating his case.

The appellant realizing that he has lost before the learned Single Judge only because of the operation of Clause 17 of the Order of 1982, has now sought to challenge the constitutionality of Clause 17 of Order of 1982 on the ground for it being highly unreasonable, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India by way of another writ petition, viz. WP(C) No.6038/2025.

The issue for consideration before this Court would be whether

automatic cancellation of licence on conviction without hearing the licensee would violate the principles of natural justice and whether cancellation based on any conviction, even un-related to Public Distribution System or Essential Commodities offence is disproportionate.

Thus, what has to be decided in the writ petition is whether Clause 17 withstands the scrutiny under Articles 14, 19(1)(g) and 21 of the Constitution of India.

Let the response affidavit of the State be filed in WP(C) No.6038/2025 by the next date.

Let these cases come up for consideration on 18.02.2026.

JUDGE

CHIEF JUSTICE

Comparing Assistant