

GAHC010245022022



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

Case No. : WP(C)/7753/2022

DAKSHIN BIJNI SS LTD
HAVING ITS REGISTERED OFFICE AT
P.O.- ANANDA BAZAR, BAGSA (BTAD), ASSAM
REPRESENTED BY ITS CHAIRMAN SRI SANJAY KALITA, AGED ABOUT 39
YEARS,
SON OF LATE ARUN KALITA,
VILLAGE- BARTARI, P.O.- SONAFULLY,
DISTRICT- BAKSA, ASSAM,
PIN- 781318.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
ASSAM
GUWAHATI-05
KAMRUP(M)
ASSAM.

3:THE COUNCIL HEAD OF DEPARTMENT

FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS
BTC

KOKRAJHAR
PIN- 783370.

4:THE ASSISTANT DIRECTOR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

SALBARI
BAKSA
ASSAM
PIN- 781316.

5:THE ASSISTANT REGISTRAR
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIRS

SALBARI
BAKSA
ASSAM
PIN- 781316.

6:THE DEPUTY COMMISSIONER
BAKSA (BTAD)
ASSAM
PIN- 781366.

7:DILIP KHUNGUR SWARGIARY
PROPRIETOR OF M/S SWARGIARY ENTERPRISE

SON OF LATE PANI RAM SWARGIARY

VILLAGE- CHOURAGURI

P.O.- KALAPANI BAZAR
DISTRICT- BAKSA

PIN- 781315

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 09.12.2022

Heard Mr. A. Sarma, learned counsel for the petitioner and Mr. K. Gogoi, learned Govt. advocate appearing for the respondent nos. 1, 2 and 6. None appears for BTC, represented by respondent nos. 3, 4 and 5.

Aggrieved by the order dated 07.11.2022, by which allotment order for lifting PDS items was made without hearing the petitioner. Hence, this writ petition under Article 226 of the Constitution of India.

Issue notice returnable on 27.01.2023.

Requisite extra copy of the writ petition be served to the learned standing counsel for the respondents in course of the day.

Having noted that by order dated 02.12.2022 time was granted to the learned standing counsel for the BTC to obtain instruction, which is not produced today, the BTC authorities shall ensure that their affidavit should be filed positively at least 2 days prior to the next date fixed.

List on 27.01.2023.

Interim order passed earlier stands extended till the next date of listing.

The pendency of this writ petition shall not be a bar for the respondent authorities to take a decision on the claim of the petitioner.

JUDGE

Comparing Assistant