

(2025) 12 GAU CK 1717
In the Gauhati High Court
Case No : WPC Of 6686 Of 2025

M Musur Uddin Ahmed And Anr

APPELLANT

Vs

State Of Assam And 5 Ors

RESPONDENT

Date of Decision : 18-12-2025

Acts Referred:

Assam Public Distribution Order, 1982 — Section 15(2)

Citation : (2025) 12 GAU CK 1717

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : J. M. A. Choudhury, K. Gogoi, S. T. Bakht

Final Decision : Disposed Of

Judgement

Devashis Baruah, J

1. Heard Mr. J. M. A. Choudhury, the learned counsel appearing on behalf of the petitioners. Mr. K. Gogoi, the learned counsel appears on behalf of the respondent Nos.1, 2, 3, 4 & 6 and Ms. S. T. Bakht, the learned counsel appears on behalf of the respondent No.5.

2. The petitioners herein have assailed the order dated 20.07.2024 whereby the petitioners' license was suspended and further is aggrieved by the non-consideration of the Appeal filed. The petitioners have sought for appropriate directions for disposal of the Appeal at the earliest.

3. It is seen that pursuant to the notice being issued on 26. 11.2025 and the order passed by this Court on 03.12.2025, an affidavit-in-opposition has been filed by the respondent Nos.3 & 4.

4. Mr. J. M. A. Choudhury, the learned counsel appearing on behalf of the petitioners submitted that though the instant writ petition pertains to the suspension order as well as the delay in disposal of the Appeal but in the meantime, a show cause notice was issued in terms with Section 15(2) of the

Assam Public Distribution Order, 1982 (for short 'the Order of 1982'). The said show cause notice refers to certain enquiry reports. However, those enquiry reports were not furnished to the petitioners and in absence of the same, the erstwhile Secretary of the Bhaghmara Char GPSS Ltd. had submitted the show cause reply. He, therefore, submitted that the entire show cause proceedings so initiated without serving the enquiry reports upon which it is based is in violation of the principles of natural justice. He further submitted that in terms with Clause 15 of the Order of 1982, there cannot be a continued suspension beyond the period of 90 days.

5. Mr. K. Gogoi, the learned Additional Senior Government Advocate appearing on behalf of the respondent Nos.1, 2, 3, 4 & 6 submitted that the allegations against the petitioners are very serious pertaining to misappropriation of PDS quantities under the NFSA Act, 2013 and deprivation of the benefits to the beneficiaries. He further submitted that the beneficiaries of the petitioners have been tagged with other GPSS. The learned Additional Senior Government Advocate submitted that the respondents are not adverse to receiving another reply from the petitioners taking into account that the petitioners now have the enquiry reports which have been enclosed to the affidavit-in-opposition filed by the respondent Nos.3 & 4 as Annexures-C and D.

6. This Court has duly heard the learned counsels appearing on behalf of the parties. A perusal of the show cause notice which was issued on 09.10.2024 by the Additional District Commissioner, Barpeta refers to certain enquiry reports. The said enquiry reports were admittedly not furnished to the petitioners or the erstwhile Secretary.

7. It is the opinion of this Court that taking into consideration the submissions made by the learned counsel for the petitioners that instead of dealing with the impugned suspension order as well as the delay in disposal of the Appeal filed thereagainst, directions be issued upon the concerned Respondent Authorities to decide the show cause notice at the earliest.

8. It is seen from the show cause notice that certain reference were made to enquiry reports. These enquiry reports have been enclosed with the affidavit-in-opposition filed by the respondent Nos. 3 & 4. The petitioners now have those enquiry reports. Accordingly, it is the opinion of this Court that the petitioners should be given an additional opportunity to file an additional show cause reply on the basis of the enquiry reports. This, in the opinion of this Court, would be expedient and would resolve the dispute at the earliest.

9. Mr. J. M. A. Choudhury, the learned counsel for the petitioners submitted that the petitioners would be submitting the reply within 10 days. The learned counsel for the petitioners also submitted that directions be also issued to decide the show cause proceedings at the earliest.

10. Taking into account the above, the instant writ petition stands disposed of with the following observations and directions:

(i) The petitioners herein are given the liberty to file an additional show cause reply by taking note of the enquiry reports which have been enclosed as Annexures C and D to the affidavit-in-opposition filed by respondent Nos.3 & 4 in the present proceedings. The said liberty is granted for a period of 15 days from the date of the present order.

(ii) The Respondent Authorities, specifically respondent Nos.3 & 4 are directed to decide the said show cause proceedings within a period of 30 days from the date of submission of the additional show cause reply, subject to filing the same within the period of the liberty granted herein above.

(iii) If in the circumstance the petitioners herein do not file the additional show cause reply within the time permitted hereinabove, the respondent Nos.3 & 4 are directed to dispose of the said show cause proceedings within 45 days from the date of the present order.

(iv) The respondent Nos.3 & 4 are also directed to inform the petitioners about its decision to show cause proceedings.

(v) Mr. K. Gogoi, the learned counsel representing the respondent Nos.3 & 4 is directed to apprise the said respondents about the present directions so that the same are complied.

(vi) The Registry is directed to provide a copy of this judgment to Mr. K. Gogoi, the learned Additional Senior Government Advocate for due compliance.