

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 772/2014**

1) Smt. Parvati Vithal Mohite,
w/o. Vithal Mahadev Mohite,
aged about 43 years, self employed,
r/o. H.No.445, Borda,
Margao, Salcete, Goa.

2) Arun Vithal Mohite,
s/o. Vithal Mahadev Mohite,
aged about 20 years, student,
r/o. H.No.445, Borda,
Margao, Salcete, Goa.

..... Petitioners.

V/s

1) The Joint Mamlatdar-I,
Salcete, Collectorate, Bldg.,
Margao, Goa.

2) The Director,
Directorate of Civil Supplies and
Consumer Affairs,
Junta House, Panaji, Goa.

3) The Chief Secretary,
Government of Goa,
Secretariat, Panaji, Goa.

..... Respondents.

Mr. Edward Justino Fernandes, Advocate for the petitioners.

Mr. Pravin Faldesai, Additional Govt. Advocate for the respondents.

CORAM :- F.M. REIS, J.

Date : - 14th August, 2015.

ORAL JUDGMENT :

Heard Mr. E.J. Fernandes, learned Counsel appearing for the petitioners and Mr. P. Faldessai, learned Additional Govt. Advocate appearing for the respondents.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Counsel for the respondents waives service.

3. Upon hearing the learned Counsel appearing for the respective parties, a short point for consideration is whether the learned Joint Mamlatdar/respondent No.1 was justified to reject the application filed by the petitioners for a ration card only on the ground that the petitioner No.1 has not produced a Negative Certificate/Cancellation Certificate as demanded by the respondent No.1.

4. It is pointed out by the learned Counsel appearing for the petitioners that the petitioner No.1 was never holding a ration card and that the question of directing the petitioner No.1 to obtain a Negative Certificate/Cancellation Certificate would not arise at all. The learned Counsel further points out that there is no provision under any law which would require the petitioner No.1 to obtain a Negative

Certificate/ Cancellation Certificate as sought by the respondent No.1.

5. On the other hand, Mr. P. Faldessai, learned Additional Govt. Advocate appearing for the respondents points out that as bogus ration cards are being sought by various persons, the respondent No.1 is taking all precautions and as such, several circulars are issued, to demand Negative Certificates and, as such, the respondent No.1 was justified to call upon the petitioner No.1 to obtain such certificate. The learned Additional Government Advocate further points out that the application itself is not complete, as the particulars with regard to the place of birth of the petitioner No.1 have not been disclosed to enable the Authorities to make their own investigation. The learned Additional Govt. Advocate as such submits that in case, requisite particulars are furnished by the petitioner No.1, the concerned Authorities shall examine the matter, after holding the necessary inquiry, in accordance with law.

6. Considering the rival contentions, I find that the impugned order dated 7th October, 2014 deserved to be quashed and set aside, as the respondent No.1 has not examined the veracity of the facts in the application of the petitioners for ration card, in accordance

with law. The question of rejecting the application merely because a Negative Certificate/ Cancellation Certificate could not be obtained, is not at all justified. The respondent No.1 can proceed to hold a proper inquiry and make further investigation and consider the application filed by the petitioners for a ration card, in accordance with law.

7. In view of the above, the impugned Order dated 7th October, 2014 is quashed and set aside. The respondent No.1 is directed to take a decision on the application filed by the petitioner No.1 for a ration card, after hearing the petitioners, in accordance with law. The petitioner to furnish all the other relevant information as sought by the respondent No.1 in such inquiry.

8. Rule is disposed of accordingly.

F.M. REIS, J.

ssm.