

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 6850 of 2006 (M)

PETITIONER(S):

**CHACKO JOSEPH, S/O.CHACKO,
AGED 57, THURUTHY MATTATHIL, KAMBLIKANDOM,
MUKKUDOM P.O., IDUKKY DISTRICT.**

BY ADV. SRI.S.SREEKUMAR

RESPONDENT(S) :

- 1. THE DISTRICT SUPPLY OFFICER
CIVIL STATION, PYNAVU, IDUKKI.**
- 2. THE TALUK SUPPLY OFFICER,
UDUMPANCHOLA, NEDUMKANDOM.**
- 3. ULAHANNAN OUSEPH, MUNDAKKAL HOUSE,
PARATHODU, IDUKKI DISTRICT.**

**R1 & R2 BY SR.GOVERNMENT PLEADER SRI.K.K.SAIDALAVI
R3 BY ADV. SRI.P.C.SASIDHARAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 6850 of 2006 (M)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF ORDER DATED 23.12.2005 BY 2ND RESPONDENT.

**EXHIBIT P2: TRUE COPY OF REPRESENTATION DATED 02.01.2006 SUBMITTED
BY THE PETITIONER TO THE 1ST RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF ORDER DATED 01.03.2006 BY
THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

**EXHIBIT R3(A): TRUE COPY OF THE EXPLANATION SUBMITTED BY
THE 3RD RESPONDENT BEFORE THE DISTRICT SUPPLY
OFFICER.**

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J

WPC No.6850 of 2006

Dated this the 15th day of October, 2015

JUDGMENT

The petitioner is the ration card holder and registered with ARD No.149 of the third respondent. The petitioner alleges that on certain irregularities and misappropriation, the ARD license of the third respondent was suspended as per Ext.P1. The third respondent was also given the privilege to vend toddy in toddy shop No.9. Hence, the petitioner complained to the first respondent. The petitioner points out that by Ext.P3, the first respondent condoned the misappropriation by the third respondent and restored the license. It is with this background, the petitioner has come up before this Court.

2. In the counter affidavit filed by the third respondent, it is contended that the third respondent is a licensee of A.R.D.No.149 of Udumbanchola Taluk in Konnathady Village from 1973 onwards and conducting the shop for the last 33 years. There was no complaint

whatsoever from any quarter till 23.12.2005, the date on which the Rationing Inspector, Konnathady conducted an inspection of the shop and found certain trivial irregularities. The irregularities noticed are in relation to shortage of 113 kgms. of rice and 117 litres of Kerosene oil and also that four bills have not been issued.

It is contended that on the basis of the report of the Rationing Inspector, Konnathady, the Taluk Supply Officer, Udumbanchola suspended the license granted to the third respondent and attached the shop to yet another shop i.e. A.R.D.No.95. The order was issued invoking the powers under Section 45(8) of the Kerala Rationing Order. Thereafter a memo of charges was issued to the third respondent calling upon the third respondent to show cause why the license shall not be cancelled. The third respondent immediately submitted a detailed explanation before the first respondent bringing to the notice of the District Supply Officer, the entire facts. True copy of the explanation submitted by the third respondent before the District Supply Officer is produced and marked as Ext.R3

(a). In the explanation, the third respondent brought to the notice of the District Supply Officer that due to illness, the third respondent was hospitalised and the salesman alone was conducting the shop and that due to pressure of work he could not complete the entries in the register in time and there was no irregularity committed in the matter of distribution of ration articles. The District Supply Officer considered the entirety of the matter and passed final orders as evidenced by Ext.P3. It is contended that based on Ext.P3, the third respondent remitted necessary fine.

It is contended that in spite of the remittance of the fine, the license was not restored due to the influence exerted by some interested quarters including that of the license of A.R.D.No.95 to which the shop was attached. That resulted in the third respondent filing a writ petition before this Court as WPC No.6697/2006 seeking the relief of issue of appropriate direction directing the respondents to restore the license and permit of the third respondent to conduct the shop. This Court directed the Government

Pleader to get instructions and it was reported before this Court on 10.3.2006 that the license was restored and thereafter the writ petition was closed.

3. No counter affidavits have been filed by the State.

4. Arguments have been heard.

5. The allegation contained in the writ petition is that the third respondent had committed grave irregularity and violated the provisions contained in the Rationing Order. The petitioner alleges that he is a resident of Kambillikandam and holder of Ration Card No.1630051972. Admittedly, the petitioner has not preferred any complaint whatsoever raising grievance regarding the non-receipt of ration articles by him or by any other person. His allegation is that the third respondent is the licensee of the ration shop and he is also conducting a toddy shop which is in violation of the rationing order. The conduct of toddy shop has nothing to do with the conduct of ration shop. Every citizen has a guaranteed fundamental right to carry on any lawful trade or business. Obtaining a license for conducting the toddy

shop is not a bar for conducting a ration shop by the third respondent. The toddy procurement, tapping and supply of toddy is done by toddy workers. For the conduct of the toddy shop, employees are engaged and they are doing the business. For the alleged illegalities committed by the third respondent in the rationing order, he was proceeded against by the authorities concerned and he has suffered the punishment also.

So long as the petitioner is not an aggrieved person, he has no *locus standi* to file the writ petition and therefore, the writ petition fails and accordingly, dismissed.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE